

HISTORIC PROTESTS IN CUBA AND THE CRACKDOWN ON FREE EXPRESSION

HEARING

BEFORE THE

SUBCOMMITTEE ON

WESTERN HEMISPHERE, CIVILIAN SECURITY,
MIGRATION AND INTERNATIONAL ECONOMIC
POLICY

OF THE

COMMITTEE ON FOREIGN AFFAIRS

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Tuesday, July 20, 2021

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON WESTERN HEMISPHERE,
CIVILIAN SECURITY, MIGRATION AND
INTERNATIONAL ECONOMIC POLICY
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:05 a.m., in room 2172, Rayburn House Office Building, Hon. Albio Sires (chairman of the subcommittee) presiding.

Mr. SIRES. Good morning, everyone. Thank you to our witnesses for being here today.

And I would like everyone to know that this meeting was scheduled before what happened in Cuba. Not that I was prophetic. It's just that it so happens that it's very apropos to have this hearing today.

This hearing, titled "Historic Protests in Cuba and the Crackdown on Free Expression" will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any point and all members will have 5 days to submit statements, extraneous materials, and questions for the record, subject to the length limitation in the rules.

To insert something into the record, please have your staff email the previously mentioned address and contact subcommittee staff.

As a reminder to members joining remotely, please keep your video function on at all times, even when you're not recognized by the chair. Members are responsible for muting and unmuting themselves, and please remember to mute yourself after you finish speaking.

Consistent with H.R. Res. 8 and the accompanying regulations, staff will only mute members and witnesses as appropriate when they're not under recognition to eliminate background noise.

I see that we have a quorum and I now recognize myself for opening remarks.

What we have witnessed over the last week in Cuba is nothing short of historic. Cubans have taken to the streets by the thousands to call for freedom and democracy.

They have been clear in demanding an end to the dictatorship. It is important to remember that public gatherings are totally prohibited in Cuba. So, every individual who has joined these demonstrations has put their lives on the line.

They have decided that it is worth it to risk jail time, beatings, torture, and even death if it means that Cuban people might finally have the chance to be free.

We must not lose sight of just how powerful that is. The Cuban people are fed up. They have had enough of a repressive dictatorship. We must stand with them in their quest for freedom.

I appreciate the statements of strong support we have seen so far from President Biden and Speaker Pelosi. I am ready to work with the Biden Administration to translate those statements into actions we can take—actions we can take to provide immediate support to the Cuban people. We need to work urgently to restore and expand internet access on the island.

Unfortunately, there is no silver bullet to solve this problem. The regime is effective at confiscating equipment needed for satellite connections, and it is adapting and improving its censorship tools with the technical support from the Chinese government.

However, I believe we can still do much more to address this issue by working with private companies and civil society to expand internet access to help Cubans use the VPN and other circumvention tools.

Another immediate step we should take is to identify and sanction perpetrators of human rights abuses under the Magnitsky Act. During the current crackdown on protesters, the Cuban State has carried out dozens of documented beatings on journalists and protesters, and hundreds of arbitrary arrests.

We also know of at least one killing at the hands of the State security and we support their—and we suspect there are others. I believe we should immediately sanction every single official who has committed these severe human rights violations.

We should also expand our support for those protesting or Cuban civil rights society, more broadly. I have long advocated for U.S. assistance to Cuban pro-democracy organizations. We should deepen that support at this critical moment.

We must remember that there was a human rights crisis in Cuba before July 11th. They are already 150 political prisoners—there were already 150 political prisoners at the beginning of this month, and regime has increasingly targeted artists from the San Isidro movement.

I call on our allies in Europe and Latin America to step up and work with us to promote human rights in Cuba.

Now it's also the time to finally put an end to the Cuban doctors program. This is a State-sponsored form of human trafficking whereby 50,000 Cubans have their passports confiscated, their movements restricted, and their wages garnished. The regime retaliates against their family members if they try to leave the program.

We saw in Venezuela how the Cuban doctors were ordered not to provide life-saving medical treatment to people who were not loyal to the Maduro government. This is shameful.

I am glad Secretary Blinken highlighted this horrific, horrific program when we launched the State Department's Trafficking in Persons report.

The United Nations Special Rapporteur on contemporary forms of slavery and trafficking in persons have also denounced these forced labor programs.

We need countries throughout the world to stand together in saying they will not work with the Cuban regime to exploit these doctors anymore.

I will soon be introducing my legislation to address this important issue and I urge my colleagues to support it.

I will end on a personal note. I fled Cuba with my family when I was 11 years old and I remember how the military came to my house and searched my house because they accused my father of hoarding merchandise.

Luckily, somebody tipped off the family—we came from a very small town—and my father was able to take the merchandise and bury it in the backyard. So as the military pulled away, we were very fortunate somebody tipped us off.

I also remember the military coming into my house as soon as we filed papers to leave and take inventory of every single item that we owned, from the house to the picture on the wall.

And when we received our exit visa, they came back and checked off that every single item in that house was left behind to the Cuban government.

Two months later, they turned the house over to a communist member, a party member in the town, that my father built. It was not a big house. It was a very modest house. But, still, you had to turn every single thing that you owned to the government before you could leave.

I have not forgotten that. It is because of this repressive regime that I have never—I was never able to return to Cuba to see my grandmother before she died. I have spent every day since I left Cuba hoping it would 1 day become a democracy. I hope that this is the beginning of the end of the Castro and Diaz-Canel dictatorship.

But what I know for sure is that the Cuban people provide an inspiring example of courage, and they deserve our full support.

Thank you, and I will now turn to the ranking member, Mark Green, for his opening statement.

Mr. GREEN. Thank you, Chairman Sires, and thank you for sharing your personal story as well. Thanks for holding this hearing and thank you to our witnesses for being here today.

I especially want to thank Ms. Rosa María Payá. Rosa María, we applaud your courage in the face of tyranny. The testimony we're about to hear from her is from a courageous individual whose family has been permanently scarred.

On July 22d, it will be 9 years since her father, Oswaldo Payá, and his colleague, Harold Cepero, were extrajudicially killed by the Cuban regime. He was a brave man and, regrettably, joins the ranks of many others who've died at the hands of the regime and under suspicious circumstances.

Last Sunday was a momentous and an inspirational day. Tens of thousands of Cubans all throughout the country took to the streets demanding freedom from the communist dictatorship. Some even waved the American flag as they demanded libertad.

Since 1959, Cuban people have been trapped by the iron grip of Fidel Castro, his brother, and its handpicked successor. Despite brutal and violent crackdowns from the regime, many courageous Cubans continued demanding their God-given right to liberty and

democracy, something three generations and millions of Cubans have been deprived of.

Let's be clear. This is not about COVID-19. This is not about the embargo. What are the Cuban people shouting in the streets? Libertad.

Cubans are sick and tired of being oppressed and they are in the streets openly and bravely demanding an end to communism. Even prior to these recent protests, anti-regime sentiment has steadily increased in the country.

In November, the communist regime broke up a hunger strike led by the San Isidro movement, a collective of artists, musicians, writers, and scholars. This led to a large protest by hundreds of artists and activists in front of the regime's Ministry of Culture.

These protests have been dubbed by some observers as an awakening of civil society in Cuba, and it sure looks that way. A new generation is rising up and they want to live in freedom.

I am in awe of the courage of the Cuban people and the many risks they take protesting the violent and brutal dictatorship. We must not ignore the dangers they face.

An untold number of peaceful protesters and activists remain in prison. Demonstrators risk jail, degrading treatment, torture, even death, all for liberty.

Additionally, the communist regime uses Chinese technology to block and censor internet service and disrupt communications across the island. These violations of basic human rights are absolutely unacceptable.

We must demand action. This is a crisis that requires a bipartisan response. And, Chairman Sires, I know this issue hits home for you and I know you hear, as no one else can, the Cuban people's cries for liberty and dignity.

Holding the communist regime accountable for its repressive policies while supporting the people's quest for freedom and democracy is crucial.

I hope we can prioritize this issue for the good of all Cubans and for the good of the Western Hemisphere, at large. The Cuban people have never experienced the kind of self-government and freedom that many Americans take for granted.

As the freest and most prosperous nation in the world, the United States must unequivocally stand with the Cuban people against the communist regime.

There's a light at the end of the tunnel, and Cuba has never been closer. When will the Cuban people finally be free? When people of faith are no longer afraid of arbitrary detentions, threats, and harassment from communist officials, that is liberty.

When artists, musicians, and writers can freely express their political opinions in song without fear of retaliation, that is liberty. When parents do not have to wait hours in line for basic staples like rice and beans just to feed their starving children, that is liberty.

When the dying communist regime breathes its last breath, when a sovereign republic takes its place, and when separated families are reunited in a free Cuba, that is liberty.

Mr. Chairman, the people of Cuba are looking to the United States for help and guidance. I look forward to working with you to answer their cries.

Thank you, and I yield.

Mr. SIREs. Thank you very much, Ranking Member Green.

I will now yield to Ranking Member McCaul for his opening statement.

Mr. McCAUL. Thank you, Chairman Sires and Ranking Member Green, for your passionate remarks this morning, and for holding this important hearing on historic protests that we are seeing in Cuba.

I think this is a pivotal point in history. It's a moment in time, and we need to take advantage of it.

Since last Sunday, tens of thousands of brave Cubans from all around the country have protested the communist dictatorship that has repressed them for over 60 years, and despite being met with brutal violence and censorship, they continue risking their lives to fight for freedom.

And as freedom-loving Americans, we stand with them. The people of Cuba were promised communism would work. They were told to sacrifice their freedoms and ambitions in exchange for a utopia of equality and world-class health care.

Instead, three generations over 60 years have been doomed to misery and shortages as a result of this failed ideology. Brave Cubans have woken up to the lies and propaganda fed to them by Fidel Castro and his cronies, and the world must bear witness and recognize the significance of this historic time.

And they are protesting the dictatorship waving the greatest symbol of liberty, libertad, known to man, the American flag, because they know and the regime knows that America stands for everything the Cubans are fighting for: freedom, liberty, and democracy.

Regime thugs are snatching innocent Cubans from their homes simply for calling for freedom, and we know the Venezuelans are in there, too, with their military as they crack down—they knock doors down and take people out of their homes and throw them in prison.

The idea that a protester will be sentenced to 20 years in prison for simply exercising what we—what is sacred in this country and it's the right to free speech, and they are violently cracking down and violating the religious freedoms and liberties of the Cuban people.

They're also using Chinese technology to block and censor internet access from the island, and this committee will be working with technologies within the State Department to open up those lines of communication.

We cannot let our adversaries take advantage of the situation and infiltrate our hemisphere. And the world is watching, and they're watching very closely what we do at this moment in time.

These human rights violations cannot and will not go on unpunished. Cubans deserve liberty and all that it entails, and we must do everything in our power to fight with them for their freedom.

And that work begins in Congress and it begins at the White House. I was proud to co-sponsor a bipartisan resolution with my colleagues stating our solidarity with the brave Cuban people.

We must also make sure the Administration is doing everything it can to provide uncensored internet access around the country. We need to work with the Biden Administration to lead the international effort for Cuban freedom and freedom fighters, supporting the democracy leaders and activists on the island.

Simply put, we have a moral obligation and a duty to support their aspirations. We need our democratic and freedom-loving allies around the world and peace-loving people around the world to stand with the people of Cuba, to support them against this oppressive regime.

I want to take this moment to commend our witness, Rosa Maria Payá, for her strength, for her advocacy. Almost 9 years ago her father was murdered by the Cuban regime, and we are so sorry, Ms. Payá.

And many others were, too, and many sit in prison rotting in jails because of this monster and his successors. He was an internationally known Cuban dissident, your father, and to this day, his death has never been properly investigated.

Your family, like many others, who dare to speak to the truth to power has paid the ultimate price in your struggle for freedom, and I have to say, Ms. Payá, I admire your bravery. I want to thank you for being here today.

What is happening in Cuba is all the proof we need that communism and socialism are bankrupted ideologies that can only lead to utter failure and human misery.

So, in closing, as Cubans continue to stand up and reject communism and the dictatorship that has doomed three generations of Cubans, we just say we will stand with them as they bravely fight for freedom. Cuba libre.

I yield back.

Mr. SIREs. Thank you, Ranking Member McCaul.

I will now introduce Mr. José Miguel Vivanco, who is a leading expert on human rights issues throughout Latin America and the Caribbean. He is an executive director of the Americas Division at Human Rights Watch.

Mr. Vivanco previously worked as an attorney for the Inter-American Commission on Human Rights at the Organization of the America States. He is also the founder of the Center for Justice and International Law.

Mr. Vivanco studied at the University of Chile and Salamanca Law School in Spain and holds a Masters of Laws degree from Harvard Law School.

Mr. Vivanco, we welcome you to the hearing.

We will then hear from Ms. Rosa María Payá. She is a widely recognized Cuban activist and a vocal advocate for freedom and human rights in Cuba.

She serves as the director for Cuba Decide, an organization focused on restoring democracy and the rule of law to Cuba.

She is the daughter of Aldo Payá, a well-known dissident who dedicated his life to the struggle for freedom in Cuba and who was

killed at the hands of the regime in July 2012. Ms. Payá holds a degree in physics from the University of Havana.

Ms. PAYÁ. thank you for joining us today.

I ask the witnesses to please limit your testimony to 5 minutes, and without objection, your prepared statements will be made part of the record.

Mr. Vivanco, you are recognized for your testimony.

STATEMENT OF MR. JOSÉ MIGUEL VIVANCO, EXECUTIVE DIRECTOR, AMERICAS DIVISION, HUMAN RIGHTS WATCH

Mr. VIVANCO. Thank you, Mr. Chair, members of the subcommittee. Thank you for inviting me to testify today on this very, very important matter for human rights in the Western Hemisphere.

This hearing could not be more timely. Since July 11th, thousands of Cubans have taken to the streets across the country in landmark demonstrations, protesting long-standing restrictions on rights, freedoms, the scarcity of food and medicines, and the government's response to the COVID-19 pandemic.

The Cuban Government has reacted with brutal repression and censorship. Since the protests began, several organizations have reported countrywide internet block and restrictions on social media and messaging platforms.

Cuban rights groups report that around 500 people have been detained. Human Rights Watch has conducted thousands of interviews to document the government's response to the protests.

We have received credible reports of police beatings and documented multiple cases of arbitrary detention of protesters, activists, and journalists, including many who have been held incommunicado and some whose whereabouts remain unknown.

People detained include members of the San Isidro and 27N movements to coalitions of artists and journalists who have been facing a government crackdown.

In recent months, Human Rights Watch has been continuously documenting abuses against them including arbitrary detention and restrictions of movement and communications.

Victims include people who have performed in or even simply played or promoted "Motherland and Life," a song by Cuban artists that challenge the Cuban government's old slogan, "Motherland or Death," patria o muerte, and criticize the repression in the country.

We found consistent and repeated patterns in the abuses, which strongly suggest a plan by the Cuban authorities to systematically repress these independent artists and journalists.

Mr. Chair and members of the subcommittee, even as the Cuban government insist on its decades-old repression, Cuba is changing.

Thousands of Cubans are overcoming their fear of the government, and despite the government's attempts to restrict communications, increased access to the internet has enabled many to organize protests and reports on abuses in ways that were virtually impossible only a few years ago.

At this critical juncture, we urge the U.S. Congress and the Biden Administration to take the necessary steps to dismantle the embargo and abandon the ongoing policy of isolation, which has

been—which have produced no improvements on human rights in the island.

For too long, the U.S. embargo has provided the Cuban government with an excuse for its problems, a pretext for its abuses, and a way to garner sympathy abroad with governments that might otherwise have been willing to condemn the country's repressive practices more vocally.

Rather than isolating Cuba, the policy has isolated the United States, impeding the multilateral and coordinated approach that is needed to press the Cuban government to end its repressive policies and practice.

I urge the U.S. Congress and the Biden Administration to take steps toward a new approach in Cuba, including, one, progressively dismantling the policy of isolation toward Cuba; two, collaborating with governments in Latin America and the European Union to ensure a multilateral and coordinated approach; three, working with these governments to monitor and denounce restrictions on access to internet in Cuba.

Cuba is changing and it's past time the U.S. policy changes, too. Thank you very much, Mr. Chair.

[The prepared statement of Mr. Vivanco follows:]

STATEMENT OF VIVANCO

José Miguel Vivanco

Americas Executive Director, Human Rights Watch

Subcommittee on the Western Hemisphere, Civilian Security, Migration, and
International Economic Policy

Historic Protests in Cuba and the Crackdown on Free Expression

July 20, 2021

Mr. Chairman, Committee members:

Thank you for the invitation to appear before the House Foreign Affairs Subcommittee on the Western Hemisphere, Civilian Security, Migration, and International Economic Policy to discuss the human rights situation in Cuba.

The Cuban government continues to repress and punish virtually all forms of dissent and public criticism. At the same time, Cubans continue to endure a dire economic crisis, which impacts their social and economic rights.

Even as the Cuban government insists on its decades-old repression, Cuba is changing. Thousands of Cubans are overcoming their fear of the government. And despite the government's attempts to restrict communications, increased access to the internet has enabled many to organize protests and report on abuses in ways that were virtually impossible only a few years ago.

At this critical juncture, we urge the United States Congress and the Biden administration to dismantle the embargo and abandon the ongoing policy of isolation, which have produced no improvements on human rights in Cuba. Rather than isolating Cuba, the embargo and isolation policy have isolated the United States, enabling the Cuban government to garner sympathy abroad while alienating Washington's potential allies. They have impeded the multilateral and coordinated approach that is needed to press the Cuban government to end its repressive practices.

This testimony presents Human Rights Watch's views and concerns regarding the (1) recent large-scale demonstrations in the country; (2) abuses against independent artists and journalists; (3) political prisoners and short-term arbitrary detention; (4) rights of doctors deployed in medical missions globally; and (5) United States policy toward Cuba.

(1) Recent large-scale demonstrations in the country

Since July 11, thousands of Cubans have taken to the streets across the country in [landmark demonstrations](#) protesting long-standing restrictions on rights, scarcity of food and medicines, and the government's response to the Covid-19 pandemic. These are the largest protests in Cuba since the 1994 "Maleconazo" protests in Havana.

Many protesters have chanted "Liberty!" or "Motherland and Life," referencing a song performed by Cuban artists in Havana and Miami that repurposes the Cuban government's old slogan, "motherland or death" (*patria o muerte*), and criticizes repression in the country. Some activists have been arbitrarily detained in recent months just for playing the song.

The Cuban government has responded with brutal repression. On July 11, President Miguel Díaz-Canel [urged government supporters and security forces](#) to respond to the protest violently.

[Several organizations](#) reported countrywide internet outages that day, followed by erratic connectivity, including [restrictions](#) on social media and messaging platforms.

Cuban rights groups report that over [400 people have been detained](#). Police and intelligence officers have also appeared at the homes of journalists and activists, ordering them to stay there.

Human Rights Watch has conducted dozens of interviews with journalists, activists, and victims to document the government's response to the protests. We have received credible reports of police beatings and documented multiple cases of arbitrary detention of protesters, activists and journalists, including many who have been held incommunicado and some whose whereabouts remain unknown.

Among them is Camila Acosta, a journalist from CubaNet and the Spanish outlet ABC, who was detained the morning of July 12. She was held incommunicado, and police told her family that they would investigate her for "contempt" and "public disorder." She was sent to house arrest on July 16. Similarly, Leonardo Romero Negrín, a physics student who had attended a protest in April with a sign reading, "yes to socialism, no to repression," was detained on July 11 in Havana. His is currently in the Cotorro prison, where he has been held incommunicado.

On July 13, Cuban officials [said one protester had been killed](#), but [independent journalists have reported more deaths](#).

As access to the internet is being partly restored and people are finding ways to circumvent restrictions, we have received increasing reports of abuses against protesters and activists in the country. But because the Cuban government refuses to recognize human rights monitoring as a legitimate activity and denies access to the country to independent human rights groups and United Nations experts, we may never know the true extent of the ongoing crackdown against protesters and other critics.

(2) Abuses against independent artists and journalists

In recent months, Human Rights Watch has been continuously documenting and reporting on abuses against independent artists and journalists in the country, including against those belonging to the "San Isidro" and "27N" movements.

[We recently concluded that the Cuban government is committing systematic human rights abuses against them](#). Cuban authorities have jailed and prosecuted several artists and journalists who are critical of the government. Police and intelligence officers have routinely appeared at the homes of other artists and journalists, ordering them to stay there, often for days and sometimes even for weeks. The authorities have also imposed temporary targeted restrictions on people's ability to access cellphone data.

For instance, Iliana Hernández, a reporter for the independent news outlet Ciber Cuba, has faced persistent and arbitrary deprivations of liberty comparable with de facto house arrest since April.

Several officers have surveilled her home, in shifts, for 24 hours a day. Normally, five of them are surveilling the house at any time. Other people who live with Hernández have been allowed to leave the house, but officers have attempted to arrest her every time she tries to leave. Her cellphone data and her home internet have not worked since the beginning of these restrictions.

Maykel Castillo, who had experienced multiple short-term arbitrary detentions and is one of the singers of “Motherland and Life,” has been imprisoned since May 18. His whereabouts were unknown to his family until May 31, when Cuban authorities informed them that he was being held at the Pinar del Río prison. A court document Human Rights Watch reviewed indicates that he is being investigated on charges of “contempt,” “resistance,” and “assault.”

Luis Manuel Otero Alcántara, a leading figure of the San Isidro movement and another performer in the music video “Motherland and Life,” has been routinely arrested or had his movements restricted in recent months. He is currently imprisoned.

We found consistent and repeated patterns in these and other cases of abuses that strongly suggest a plan by Cuban authorities to selectively repress critical independent artists and journalists.

(3) Political prisoners and short-term arbitrary detention

The recent abuses against protesters, artists and journalists are only a part of a long history of abuses by the Cuban government against dissidents and other critics.

Prisoners Defenders, a rights group, [reported that as of June 2021](#), Cuba was holding 76 people who met the definition of political prisoners, as well as 35 others whom the group considered were being held for their political beliefs. They reported that another 39 who had been convicted for their political beliefs were under house arrest or on conditional release. The government denies independent human rights groups access to its prisons. Local groups believe the actual number of political prisoners is higher, but the restrictions limit their ability to document cases.

Cubans who criticize the government continue to risk criminal prosecution. They do not benefit from due process guarantees, such as the right to fair and public hearings by a competent and impartial tribunal. In practice, courts are subordinated to the executive and legislative branches.

The government continues to employ arbitrary detention to harass and intimidate critics, independent activists, political opponents, and others. [In 2020, there were over 1,700 arbitrary detentions, according to the Cuban Human Rights Observatory, a Madrid-based human rights organization.](#)

Security officers rarely present arrest warrants to justify detaining critics. In some cases, detainees are released after receiving official warnings, which prosecutors can use in subsequent criminal trials to show a pattern of “delinquent” behavior.

Detention or the threat of detention is often used to prevent people from participating in peaceful demonstrations or in meetings to discuss politics. Detainees are often beaten, threatened, and held incommunicado for hours or days. Police or state security agents routinely harass, rough up, and detain members of the Ladies in White (*Damas de Blanco*)—a group founded by the wives, mothers, and daughters of political prisoners—before or after they attend Sunday mass.

[Since 2020, the Cuban government has used regulations designed to prevent the spread of Covid-19 to imprison critics.](#) Authorities have detained at least 20 dissidents or people the authorities appear to have perceived as critics, invoking rules concerning Covid-19. Many were denied an opportunity to make a phone call. Some were beaten, and some lacked legal representation during criminal proceedings.

(4) Rights of doctors deployed on mission abroad

Cuba deploys tens of thousands of health workers abroad every year to help tackle short-term crises and natural disasters and, more recently, the Covid-19 pandemic. [The workers provide valuable services to many communities but under stringent norms that violate their rights, including the rights to privacy, liberty, movement, and freedom of expression and association.](#)

Cuba regulates even the most mundane aspects of the lives of Cuban medical personnel on missions, in ways that violate their right to freedom of association. Under [Resolution 168 of 2010](#), issued by the Ministry of External Commerce and Foreign Investment, it is considered a “disciplinary offense” to have “relationships” with anyone whose “actions are not consistent with the principles and values of the Cuban society,” as well as to be “friends or establish any other links” with Cuban dissidents, people who have “hostile or contrary views to the Cuban revolution,” or who are “promoters of a way of life contrary to the principles that a Cuban collaborator abroad must represent.” Living with “unauthorized” people is also a disciplinary offense. Deployed personnel are required to disclose all “romantic relationships” to their immediate supervisors.

Vague provisions in Resolution 168 restrict health workers’ freedom of movement. The resolution makes it an offense to “frequently visit places that damage [the doctor’s] prestige,” as well as to “visit places that, given their characteristics, are prone to public order disturbances.” Health workers also need “authorization” to “participate in public acts of a political or social nature.”

Their freedom of expression is also severely limited by broad, vague regulations that are unnecessary and disproportionate to any legitimate government aim. Under Resolution 168, doctors need “authorization and instructions” to “express opinions” to the media about “internal situations in the workplace” or that “put the Cuban collaboration at risk.” It is also an offense to “disseminate or propagate opinions or rumors that undermine the morals or prestige of the group or any of its members.”

Sanctions for violating the rules range from withholding wages to recalling the person to Cuba. Under Cuba's Penal Code, medical staff who "abandon" their jobs may face criminal charges and imprisonment for up to eight years—a punishment that is grossly disproportionate, implicating the workers' right to liberty.

Cuban law severely restricts the right of doctors and other Cubans to leave their own country. It also restricts access to regular passports, and health workers in missions are granted so-called "official" passports that are only valid during their time of deployment.

Cuban health workers have also reported that those who "abandon" the missions are subject to a de facto entry ban to Cuba for eight years. The ban is not clearly established in Cuban legislation. However, the immigration law bars the entry of people who have been declared "undesirable" or who have "organized, stimulated, carried out or participated in hostile actions against the political, economic, and social basis of the Cuban state." The provision, which violates the right to enter one's own country, is applicable to "anyone," including Cuban nationals.

(5) US foreign policy towards Cuba

The United States' isolation strategy towards Cuba has done nothing to improve human rights conditions. As Human Rights Watch findings show, the situation in the country continues to be dire.

The embargo has provided the Cuban government with an excuse for its problems, a pretext for its abuses, and a way to garner sympathy abroad with governments that might otherwise have been willing to condemn the country's repressive practices more vocally.

There is no question: the Cuban government bears full and exclusive responsibility for the abuses it commits. However, so long as the embargo remains in place, the Castro government will continue to manipulate US policy to cast itself as a Latin American David standing up to the US Goliath, a role it exploits skillfully.

While the US embargo policy has proved counterproductive, the European Union has by and large failed to exert effective pressure on Cuba. Worse still, Latin American governments across the political spectrum have been reluctant to criticize Cuba, and in some cases have openly embraced the government, despite its dismal human rights record.

Not only have all of these policies—US, European, and Latin American—failed individually to improve human rights in Cuba, but their divided and even contradictory nature has allowed the Cuban government to evade effective pressure and deflect criticism of its practices.

To remedy this continuing failure, the US needs to end its failed isolation policy. It should shift toward a multilateral and coordinated policy that promotes human rights.

We urge the US Congress and the administration of President Joe Biden to take effective steps towards such new approach, including by:

1. Progressively dismantling the policy of isolation toward Cuba, including by replacing the embargo and the existing bans on travel and trade with Cuba with more effective forms of pressure.
2. Collaborating with governments in Latin America and the European Union to ensure a multilateral and coordinated approach on Cuba that expresses support for the rights of Cuban protesters, journalists, artists, and other activists, and condemns repression in the country.
3. Working with governments in Latin America and the European Union to collectively monitor and denounce restrictions on internet access in Cuba, as a way to ensure that Cubans are allowed to communicate with others and report on abuses in the country.

Mr. SIREs. Thank you.

Ms. PAYÁ. I now turn to you for your testimony.

**STATEMENT OF MS. Rosa María Payá. ACEVEDO, DIRECTOR,
CUBA DECIDE**

Ms. PAYÁ. Thank you so much, Mr. Chair, and thank you so much to all the Members of the Congress for this opportunity and for your kind words.

My name is Rosa María Payá. from the citizen initiative Cuba Decide to promote human rights. Our network on the ground have seen explosive growth over the last 16 months.

My father, Oswaldo Payá, was killed in Cuba under the orders of the Castro brothers on July 22d, 2012. The Cuban peoples are in the streets fighting for freedom. In at least 45 cities massive protests took place. This regime has responded with brutal repression, causing countless arrests, injuries, and death.

On national TV, Miguel Díaz-Canel has called for a war in the streets and to fight using any means. In the eastern provinces, the police shot one protester in the head. It is on video. The name of the victim is still unknown.

Daniel Cárdenas was shot inside his home in the city of Cárdenas. His wife was present. It's on video.

Diubis Laurencio was shot in the back and killed in Naranjo. It's on video. He was 36 years old and his family is now denouncing that officials precisely called him a delinquent.

Videos show people arriving at hospitals badly hurt by police beatings and bullets, one shot in the arm, another in the leg, another in the stomach. The victims are workers and students, not only members of the organized opposition.

FDP has documented at least 532 detained and missing persons, but we estimated the actual number to be in the thousands. The regime has its days numbered and the world is watching.

In this context, to lift the sanctions against the Cuban regime is to fund the Cuban police and military who oppress the people in the streets, obeying top government officials like General Raul Castro, Miguel Díaz-Canel, General Rodriguez Lopez-Callejas, General Alvarez Casas, Minister of Interior, General Lopez Miera, Minister of the Armed Force.

It is a moral imperative to stop the regime abuses after 62 years of crimes against humanity perpetrated by a military dictatorship that has never been accountable.

Despite the lack of food and medicine, the protesters are demanding freedom, human rights, and democracy. They were shouting, "No more fear," "Change is possible," and "Down with the dictatorship."

None of them mentioned the U.S. embargo, but instead homeland and life, patria y vida, the alternative to the Castro slogan of "Homeland or death."

To accept the blackmail of the migratory crisis by the Cuban regime is to fail the Cuban people. We urge the U.S. Government not to make unilateral concessions to the regime but, rather, demand the release of all political prisoners, an end for the repression, and respect for our fundamental freedoms, including the legalization of all political parties.

I would like to share five policy recommendations from the majority of the Cuban civil society on and off the island.

We humbly ask to the U.S. please, the U.S. should apply individual sanctions, making full use of the Global Magnitsky Act, targeting top officials and individuals involved in human rights abuses.

The U.S. should replicate its approach to the South African apartheid and require all companies in relations with Cuba to mandatorily embrace the Sullivan principles.

The U.S. should take action to break the regime's communication monopoly by enabling independent access to internet to Cubans, bypassing the censorship of the regime.

The U.S. should invite the European Union and the Organization of American States—all the members of the Organization of American States to take similar steps and use all available tools, including the Inter-American Treaty of Reciprocal Assistance to address the threat posed by the Cuban regime.

The regime is illegitimate and should continue to be excluded from the Summit of the Americas until it complies with the Inter-American Democratic Charter.

The U.S. has the ability to stop the impunity of the regime and protect persons from its brutal repression. All options within the international law must be on the table to protect civilians' lives in Cuba.

My father said that the American and the Cuban people

[Spanish language spoken]. We want to be free and we want to be friends. Thank you for this opportunity, and thank you to the American people.

[The prepared statement of Ms. Payá follows:]

WRITTEN STATEMENT

- Name: Rosa María Payá.
- Title and organizational affiliation: Founder Cuba Decide initiative.
- Name of the Subcommittee: Subcommittee on the Western Hemisphere, Civilian Security, Migration, and International Economic Policy.
- Date of the hearing: Tuesday July 20, 2021
- Title of the hearing: Historic Protests in Cuba and the Crackdown on Free Expression

My name is Rosa María Payá, from the citizen initiative Cuba Decide, to promote democracy and Human Rights in Cuba. My father Oswaldo Payá was extrajudicially killed by agents of the regime in Cuba, on July 22nd, 2012. Secretary of State John Kerry released back then a statement, calling for an impartial investigation into the circumstances surrounding the crime.

The Cuban people are in the streets, struggling for freedom. Only in July 11, we registered at least 45 cities and towns where Cubans took to the streets to protest, including all the major cities. With one demand and one demand alone: Freedom, the end of the dictatorship.

The regime has approved that the demonstrations be repressed. Diaz-Canel, designated by Castro to be the civil face of his military regime, called for a “war in the streets” to “fight using any means”.

In the eastern provinces, the police shot one peaceful protester in the head. It’s on video. The name of the victim is unknown.

Daniel Joel Cárdenas Díaz was also shot, inside his home on Velásquez Street, in Cárdenas city. This was witnessed by neighbors and his wife, Marbelis Vázquez. It’s on video. He is hospitalized and will be charged.

Videos show people arriving at hospitals, badly hurt by police beatings and bullets. Shot in the arm, in the leg, in the stomach, in the back. Hospitals report them to the police, and many are now missing.

The victims are mainly young workers and students, not from the organized dissidence. Contrary to what the regime claims, they do not receive support from other governments. Many are people of color, from the poorest sectors of society. As today, we have documented at least 532 detained and/or missing persons. We estimate that the actual number of detainees or disappeared is in the thousands and there is evidence of minors who have been violently arrested. Meanwhile, the Covid-19 pandemic is now at its worst in Cuba, as a result of the authorities encouraging tourism, and refusing to accept support from international vaccination efforts.

Young people who are passing compulsory military service are being forced to repress the protests. In addition, there is an active effort by the

authorities visiting houses and obligatory recruiting young people from the age of 17. If they refuse, they can be prosecuted and detained for the crime of Disobedience.

The police, state security apparatus, other members of the Ministry of the Interior forces, and the elite troops of the Armed Forces (FAR), often times dressed in civilian clothes, attacked protesters in the streets and also inside their houses using extreme force, sometimes lethal, causing deaths and injuries. The Generals Raul Castro and Luis Alberto Rodriguez Lopez Callejas, Miguel Diaz-Canel and the ministers of the Interior and the Armed Forces (Generals Lázaro Alberto Álvarez Casas and Álvaro López Miera) among other top regime officials, are some of the well-known names at the command of these repressive bodies.

The dictatorship has the days numbered. The world is watching. In this context, to lift the sanctions against the Cuban or the Venezuelan regime, is to fund the Cuban repressors to keep hurting our people.

Our people know that to get out of the crisis we have to end the dictatorship, that's why despite the lack of food and medicines, the protesters are demanding freedom, human rights, and democracy. They were shouting: "freedom" "no more fear," "change is possible," and asking the dictators to leave. In many hours of video, none of them mentioned the U.S. embargo. They were chanting "Homeland and Life," alternatively to the Castros' slogan of "Homeland or Death."

To accept the migratory crisis blackmail of the Cuban regime, is to fail the Cuban people. Here we would like to humbly mention some policy proposals for the U.S. government to consider, to support the Cuban people.

- 1) Do not negotiate with the regime, no one is entitled to speak for the Cuban people, but please, elevate their voice that demands freedom. The President and Congress should make no unilateral concessions, but ask for irreversible steps that should include: the unconditional release of all political prisoners; the end of repression; respect in law and in practice of freedom of expression, association—including independent political parties—, public assembly and economic freedom.

- 2) Empower the citizens, as suggested by president Biden, the U.S. should provide an independent internet access to the Cuban people out of regime control.
- 3) Impose political, financial and all kinds of targeted sanctions—like the Global Magnitsky Act—upon individuals of the Cuban regime involved in human rights abuses. All democratic mechanisms applied should ensure that the regime respects the people’s call for a peaceful transition to democracy.
- 4) Apply the Sullivan Principles, before investing in Cuba, companies should commit to support human rights, equal opportunities, fair competition, and respect for intellectual and property rights on the Island.
- 5) Be leaders of solidarity. Invite the sister Republics of our hemisphere and the European Union to take similar steps to support the people in Cuba. Implement a comprehensive strategy for peace and freedom in Cuba today, using the tools of the Inter-American system, including the Interamerican Treaty of Reciprocal Assistance with the help of the OAS. The appeasement of a regime that actively interferes to undermine regional democracies in the Americas, will only lead to less stability in our region. Cuban regime should continue to be excluded from the Summit of the Americas, until the regime complies with the Inter-American Democratic Charter.
- 6) Protect the civilians in Cuba from the brutal repression. The United States and the world must use the language of force against a regime that has all the power and is using force against pacific and unarmed people. All options within international law must be on the table to protect the lives of the people.

Thank you for listening. God bless Cuba in this hour of freedom. And God bless the United States of America.

Mr. SIRES. Thank you very much.

Before I begin questions, I ask unanimous consent that Representatives Debbie Wasserman Schultz, Val Demings, Nicole Malliotakis, and Scott Perry participate at today's hearing after all subcommittee members have had the opportunity to participate in questioning the witnesses.

I will now begin questions by recognizing myself for 5 minutes.

The State Department in 2021 Trafficking in Persons Report reports for Cuba maintained Cuba as a Tier 3 country. In his remarks at the launch of the report, Secretary of State Anthony Blinken said that the regime has profited from its exploitive overseas medical missions.

What are some of the conditions that Cuban doctors are subjected to as part of this medical mission and what does the international community need to do to put an end to this exploitation?

Mr. Vivanco?

Mr. VIVANCO. Mr. Chair, the Cuban doctors deployed in different parts of the world provide a valuable service to many communities in Latin America, in Africa, in Asia, but at the expense of their most basic freedoms. That is the price.

To the point that we believe that the use of these doctors amount to the practice of forced labor, the Cuban doctors are subject of draconian rules that violate the right to privacy, freedom of expression and association, liberty of movement, among several other freedoms that are restricted during their missions when, you know, they are deployed in different communities and the Cuban government profits substantively with their service.

Mr. SIRES. Do you have an estimation of how much they profit? How much it makes for the island?

Mr. VIVANCO. It's quite difficult to get a number, for lack of transparency. So there are different type of figures out there. However, we are looking into a very, very significant income for the government of Cuba.

Mr. SIRES. And when these doctors are sent to these countries, they're sent by themselves? Families are left behind?

Mr. VIVANCO. Their families are left behind and they even restrict access to the money that they are supposed to be making until the conclusion of the mission.

In other words, their promised payment, which is 10 times or more what they will be able to earn in their practice as doctors in Cuba. That is the attraction, of course.

But the way that the Cuban government pay them and their family is conditioned to their performance in their communities and to the conclusion of the full program, usually after one or 2 years.

Mr. SIRES. And if they ask for asylum in the country that they're serving, what happens?

Mr. VIVANCO. They lose the money that they're supposed to earn. That's why they pay at the end. They keep paying some small portions for them to be able to survive in the local—in the community—in the local country, as well as for the family to get some, you know, a stipend.

But they might lose all the benefits and their family are not going to be able to leave the country. The Cuban doctor, if he's

lucky, might get some political asylum in that country, but isolated for who knows how long from their family.

Mr. SIRES. Because he's never going to be able to bring the family to where he has asked for asylum?

Mr. VIVANCO. It will be very, very difficult.

Mr. SIRES. Thank you.

You know, during the protests, the Cuban government shut down internet access in entire areas of the island. I know you made some recommendations on what this country can do. Can you expand on that?

Ms. PAYÁ. Yes, of course. Thank you so much.

We have known that the United States and—for United States—and I'll thank you again—private enterprises are able or could have the capacity to provide internet access—satellite internet access, bypassing the censorship of the regime.

In this moment, we ask United States to move quickly and to enable the Cuban citizens with a way of communication that in this moment has the capacity of saved lives.

Mr. SIRES. Now, the reports are there are over 50 cities the people turned out while the—was the internet shut off in all those cities?

Ms. PAYÁ. Almost in all the island. Almost in all the island.

Mr. SIRES. The entire island?

Ms. PAYÁ. Almost the entire island. People just started communicating using wi-fi hotspots through VPNs. But it was very, very difficult to get any access to communication.

Mr. SIRES. Do you know the reaction of the EU to the shutting down of the internet and the people demonstrating on the island?

Ms. PAYÁ. Well, there have been—there have been reactions from the European parliament and from the European parliamentarians that have been very, very solidarios with the Cuban people.

But I do not know of any response from the European External Action Service actually in the direction of supporting the Cuban people. Actually, they insist in maintaining a cooperation agreement that includes political dialog that have been already violated by the Cuban regime, which human rights laws have been already violated.

Mr. SIRES. My time is up. Thank you very much.
Congressman Green?

Mr. GREEN. Thank you, Mr. Chairman, Rosa María.

We often hear that the United States embargo is the primary—is the primary cause of lack of prosperity and democracy on the island.

We hear that Cuban entrepreneurs would succeed only if they could trade and engage with their American counterparts. In previous testimony, you informed Congress, and I quote, "There cannot be free markets where there are no free persons."

Could you elaborate on that?

Ms. PAYÁ. Yes, that's actually a phrase of my father, and thank you so much for your words about him. And I think that the best answer to your question is coming from the Cuban people in the streets.

They were not asking for the end of the embargo. They were asking for the end of the dictatorship. The end of the dictatorship is

a demand of the Cuban people. That's the demand alone, and that's the demand that we need solidarity to.

Mr. GREEN. So just to make sure I heard you correctly, the people that are in the streets protesting, they're not protesting an embargo. They're protesting the communist regime that's in charge and a dictatorship over their—over their country?

Ms. PAYÁ. They have been shouting, "Change is possible. Down with the dictatorship. No more fear. Freedom. Freedom. Freedom." I think that's eloquent enough.

Mr. GREEN. It is. Thank you.

It's interesting that small fringe elements of the left here are trying to say that it's the embargo. But truth be known, it really has nothing to do with the embargo.

If you look at 90 percent of the companies in Cuba, they're held by military holding companies, meaning the Cuban military runs 90 percent of the economy in Cuba.

Well, there's a law in the United States that says an American company cannot do business with the Cuban military. So if we lift the embargo, we cannot even do business with them. And where does the money go if 90 percent of the companies are held by the Cuban military?

Well, it just empowers the dictatorship. This insane notion that lifting the embargo is going to somehow provide freedom for the Cuban people is crazy. It's absurd.

And the only reason you would say that is unless you're trying to hide behind socialism and communism as an effective model. But everywhere else it's been in the world it's been disproved.

Let's look at North Korea. They cannot get rice. They're starving. Remember, the USSR and Berlin? They built a wall to keep their people in. And socialism, look at Venezuela.

It is not the embargo, Mr. Chairman, that is causing the people of Cuba to suffer under this totalitarian dictatorship and lifting it will only empower them. Cuba's egregious religious freedom violations well documented and they are widespread.

The U.S. Commission on International Religious Freedom has called for Global Magnitsky Act sanctions on the head of Cuba's Office of Religious Affairs, Caridad Diego, for her direct role in leading campaigns of repression against Cuba's religious communities.

Can you both share examples of how the regime restricts and penalizes religion in policy and practice?

Sir, if we could start with you.

Mr. VIVANCO. The exercise of fundamental freedoms in Cuba depends on the degree of tolerance of the Cuban government. There is no rule of law in Cuba. There is a total concentration of power, no independent judiciary. The judiciary is under the subordination of the executive branch. If the government believe that is—

Mr. GREEN. If I could—if I could interrupt you just a second. I think I understood you to say there's no rule of law. It's just total power concentrated in the hands of the dictatorship.

Mr. VIVANCO. Exactly.

Mr. GREEN. How then—I'm going to—I'm going to flip back to my previous question, because you supported lifting this embargo.

How then if the total power is all in the hands of one individual does lifting the embargo free the people? I do not understand.

Mr. VIVANCO. Congressman Green, in foreign policy, you have multiple options. If you want to influence, if you want to have impact on the record of any given country, the option that you have chosen for over or close to 60 years is the isolation. That policy has bring no change in Cuba. I believe—

Mr. GREEN. Well, I would submit to you right now there's change happening. There are thousands of Cubans in the streets. There's a spotlight on the Cuban government. The world is crying for the internet to be open so we can see and see with transparency what's going on.

We're at a point right now that may just be a great opportunity, for two reasons—one, to show exactly what's going on in Cuba under this totalitarian dictatorship, happened because of the embargo, and two, to once again put another head of a communist dictator on the wall.

And I mean that proverbially, for all the people that are going to go out there and say Green is espousing some kind of violence. I am not.

I am saying—but here's another failed communist regime. That's what I think. Two great opportunities. That system does not work and we can free the Cuban people.

And, unfortunately, Mr. Chairman, I'm out of time. Thank you.

Mr. SIRES. Thank you, Congressman Green.

Congressman Castro.

Mr. CASTRO. Thank you, Chairman, and thank you, Ranking Member, for organizing this hearing today.

And before I address my questions to our witnesses, I want to reiterate my support, most of all, for the Cuban people.

I continue to be moved by their plight for their freedoms and their fight for their freedoms, their COVID-19 assistance and an end to hunger in their nation, and I expressed my solidarity with them, especially with those brave Cubans who remain disappeared who have been imprisoned for standing up for their human rights and for their families.

And I join U.N. High Commissioner for Human Rights Michelle Bachelet in her call to the Cuban government to immediately release those arrested during the protests.

I also think it's necessary for the United States to, as President Obama said during his visit to Havana, "Bury the last remnant of the cold war in the Americas and pursue a Cuba policy that improves the lives of the Cuban people."

And so I wanted to ask a few questions of our witnesses, or actually, before I do that, I know there's a debate about the embargo and how much that's responsible versus the Cuban government and so forth.

And most of all, we support the freedom of the Cuban people and their right to choose the leadership of their nation. As Americans, we want to be as helpful to that as possible.

But in this debate about communism and socialism and so forth, our biggest trading partner of the United States is a communist country, China. We have no embargo against China. That's our biggest trading partner.

So I have a question to Mr. Vivanco. Thank you for your testimony today, and a question that remains after the mass protests

across Cuba is what the U.S. Government can do to best improve the lives of the people of Cuba.

In his historic speech and diplomatic trip—in his historic speech and diplomatic trip to Havana, President Obama discussed at length how the United States embargo and policy of isolation toward Cuba was not working, saying, quote, “The embargo is outdated and should be lifted.”

So, Mr. Vivanco, what is the current purpose of the U.S. embargo on Cuba and how does it help or hurt the Cuban people?

Mr. VIVANCO. Congressman Castro, thank you very much for your question.

In my view, following human rights conditions in Cuba for over 30 years, my conclusion is that it's time for the U.S. to take a different approach. It's the only country in the world that enforce a policy of isolation.

That policy is rejected unanimously for the rest of the world. Even conservative governments from Europe and Latin America has never agreed with the policy of embargo because it impose indiscriminate sanctions against the people of Cuba and has showed to be absolutely ineffective.

If you want to bring change to Cuba and transition from dictatorship to democracy, you need to create a multilateral approach, a new type of approach to create the right type—kind of incentives and pressure for the Cuban to take those steps.

Cuba is not isolated for the rest of—from the rest of the world. Tourists from Europe, Canada, or any country in Latin America could spend time, money, their money. They could invest in extractive industries in Cuba.

The only one that is isolated from Cuba is the U.S. The only one that is isolated in this debate at global level on the Cuban affairs is the U.S.

Why? Because the policy of isolation made the position of the U.S. actually kind of impotent with regard to the debate on Cuba.

Mr. CASTRO. I also wanted to ask you about remittances, the ability for folks to send money to Cuba. You know, remittances are a vital lifeline to millions of Cubans, especially the most vulnerable, like the elderly, and are used to purchase basic necessities like sanitary items and food, and even obtaining—for obtaining access cards to have access to the internet.

The Trump administration imposed restrictions on remittances and pushed the largest receiver of family remittances in Cuba, Western Union, to abandon operations on the island. Unfortunately, these harmful policies continue today.

So I wanted to ask you, can you describe how remittances help the most vulnerable of Cubans to survive and obtain daily necessities?

Mr. VIVANCO. It is absolutely essential to facilitate the use of remittances. The sent of—the ability of Cuban families and friends to send money for their relatives to be able to survive in the country, to be able to buy the minutes to use wi-fi and internet, which is available in Cuba and is one of the vehicles that explain this mobilization in Cuba, I think is the right approach to reestablish the ability of Cuban families to send money to their relatives in Cuba.

Mr. CASTRO. Thank you. I yield back, Chairman.

Mr. SIRES. Thank you, Congressman Castro.
Representative Pfluger.

Mr. PFLUGER. Thank you, Mr. Chairman, and thank you to both of you for your testimony.

Ms. PAYÁ. Thank you for your personal story.

For over 60 years, the Cuban people have been oppressed by the worst impulses of a brutal regime and failed promises of communist propaganda, and what we're seeing today is those people saying enough is enough.

We must stand with them and finally rid the Western Hemisphere this hegemonic oppression. And, unfortunately, the Biden Administration is sending very dangerous and mixed signals through both policy and rhetoric to those that wish to flee this brutal regime.

But if you're fleeing a communist regime where defectors are silenced or shot, and everyday citizens are starving to death, you're not welcome in America.

This is the message that Secretary Mayorkas, who himself was born in Havana, gave last week when he remarked that Cuban refugees attempting to flee by the sea will not be permitted in the United States.

This message is echoed again by acting assistant secretary at the State Department when he remarked that the protests were peaceful and rooted only in concerns about rising COVID cases and medicine shortages.

This is false. The Cuban people, as you've mentioned, are shouting "Libertad." They're waving the American flag. They're standing for freedom. They're not shouting, down with an embargo.

While our administration downplays the severity of the crisis in Cuba and pledges to turn away Cuban refugees, President Biden has simultaneously thrown open the southern borders to cartels, coyotes, and others.

Meanwhile, the Administration advocating for socialist policies right here in the United States, when we see massive government control over society simply does not work.

Cuba is showing us in real time and the world how quickly communism collapses and leads to a spiral of deadly conditions of poverty, starvation, and hopelessness, causing enough desperation that right now Cubans are staring down the oppressors in the streets and risking their lives to cross treacherous waters on homemade rafts to reach the shores of liberty, the symbol of freedom, the United States of America.

The United States remains the beacon of freedom and democracy around the world and we must do everything within our power to support those who are valiantly standing for liberty, and we must do it right here at home.

There have been a chorus of this very body right here in Congress supporting the Cuban people in their efforts and I, certainly, support that effort as well.

And instead of throwing our doors open to human traffickers on our southern border, President Biden must take decisive action to bolster the pro-democracy movement and support the brave Cubans who are fighting in their own streets for liberty.

Ms. PAYÁ. how important is it to have freedom of speech? What does it mean to have freedom of speech?

Ms. PAYÁ. Thank you so much.

It is—it is fundamental and it is—it is the root of what is going on in Cuba. The people of Cuba have n't wait for the Cuban regime to authorize them to speak. They are shouting "freedom" in the streets.

And if I make a call, a request, for all of you, is to please to listen to what the Cuban people is demanding on the street. At the highest possible risk, which is life, they are demanding freedom. They are demanding the end of the dictatorship.

Please do not politicize that. It is not about politics and not—it is not about right and left. It is about the main contradiction that the Cubans have experienced, which is not the embargo or any other contradiction between the military dictatorship and any other country. It's the main contradiction.

The root of the suffering of the Cuban people is the conflict between a group of militaries that have held power in illegitimate way for more than 62 years and a whole population that is demanding a change, that is demanding a transition process, that is demanding democracy.

And now United States and the rest of the world have the opportunity and the challenge to take sides with that Cuban people to hold accountable—help the Cuban people to hold accountable that region and to bring about freedom in Cuba.

That also means democratic stability and also means getting rid of one of the threats that the national security of this country has in this hemisphere.

Mr. PFLUGER. Thank you for that.

And I just want to go back to one of the remarks that you made, that you said that lifting sanctions is, basically, funding terrorism. It's funding the dictatorship to do what they want through military action.

And I appreciate your comments on that, and Mr. Chairman, I know I'm out of time. Thank you again for holding this hearing. I yield back.

Mr. SIRES. Thank you very much.

Congressman Andy Levin, you're on.

Mr. LEVIN. Thanks so much to the chairman and ranking member for holding this really important hearing this morning.

You know, one of the subjects of the protests has been access to COVID vaccines. In my view, this is an area where the U.S. might be able to actually heed the Cuban people's call.

But it's my understanding that sending vaccines to Cuba would require a special license, at least from the Department of Commerce and perhaps also Treasury.

Last week, Ricardo Herrero, executive director of the Cuba Study Group tweeted, "Everyone trying right now to coordinate aid to the Cuban people is running into a morass of OFAC and Commerce shipping and banking restrictions. This is how current U.S. policy does not help."

Mr. Vivanco, do you believe that current sanctions and the current sanctions regime makes the delivery of humanitarian aid to the Cuban people more difficult?

Mr. VIVANCO. Indeed, I believe that the measures that the Biden Administration and this Congress could take to facilitate access to medicine and vaccine even to alleviate these painful times of the Cuban people who have no access to vaccine.

I believe also that the Cuban government has been reluctant to accept vaccines from Russia and China for dogmatic reasons. They are—they were hoping to develop their own vaccine.

Mr. LEVIN. Right.

Mr. VIVANCO. And if the U.S. Government could help and provide some relief for the Cuban people with access to vaccine, I think it will be terrific.

Mr. LEVIN. And it would really have a big impact on our relationship directly with the people, right?

Mr. VIVANCO. Exactly.

Mr. LEVIN. Yes. And, you know, given the crackdowns that we have seen on the protesters—horrible crackdowns—it seems that the kind of sanctions that we're talking about here, the kinds that are not targeted, have not prompted the government to improve its human rights record. Would you agree?

Mr. VIVANCO. I agree 100 percent.

Mr. LEVIN. So what—tell us, in your view, what do you think the best approach would be for us to influence the Cuban government on its human rights record, something you've devoted your career to, including the crackdowns on protesters?

If we want to get away from ideology and talking points and actually help improve the human rights record there, what should we do?

Mr. VIVANCO. Actually, Congressman Levin, I do believe that the best way to support the dictatorship is keep the status quo. In other words, change nothing. Insist on a policy that has failed, the policy of isolation. The policy of sanctions has bring no improvement on human rights in Cuba.

My sense is that the U.S. foreign policy toward Cuba is not inspired on the need to improve human rights and democracy in Cuba. It is just a policy that reflect the preferences of the electorate in Florida and has nothing to do with the goal to improve human rights in Cuba.

Mr. LEVIN. So do you think there are things we can do, and what are they? Because I'm with you. I agree with you. But what should we do?

Mr. VIVANCO. What you should, you know, try to do, especially now that you have the majority in the House, is to take the necessary steps to at least open up a debate about the lack of effectiveness of a policy of isolation toward Cuba and to empirically help establish whether there is any other democracy in the world that has been willing to join forces with the U.S. in the policy of isolation.

You will conclude that the rest of the world every year systematically condemned that policy, and only Israel and the U.S. support the policy of isolation on Cuba.

So if you could take internal steps to at least open up a debate about the lack of effectiveness, the impotence of the U.S. Government in affecting Cuban human rights conditions in Cuba, I think that will be very, very helpful.

Mr. LEVIN. Well, thanks. You know, obviously, there are strong policy disagreements on this subject. But I think we all agree on our commitment to the Cuban people and their well-being, and I hope that in the interest of that commitment we're able to have a nuanced and honest conversation about what policies are helpful and which are harmful.

And you're making a very strong case that we have been beating our heads against the wall for 60 years, not helping the human rights situation in Cuba. So we really have to find a more effective way.

And with that, Mr. Chairman, I yield back.

Mr. SIRES. Thank you, Congressman.

Congresswoman Salazar.

Ms. SALAZAR. Thank you, Mr. Chairman, and thank you, Jose Miguel Vivanco, for being here, and Rosa María Payá.

And your family paid the highest sacrifice. Your father, Oswaldo Payá, stood up for a free Cuba. That is something that the Castro regime fears. They killed him and they covered it up, saying that it was a car crash so that we will never know the truth.

I met him twice when I was a news reporter, and he was the epitome of decency. I can say that. And I'm glad that you're here today because of your bravery and your commitment to his memory.

After a week of silence, now the Biden Administration is saying they're going to review the effect of the remittances. That is very embarrassing. It's a slap in the face to you, to your father, to all the Cuban people and to us, the elected officials, who were not informed or consulted.

The people of Cuba, as we have said, they're not shouting "[Spanish language spoken] embargo, no more—we want more remittances." They're shouting "Libertad."

The bare minimum the Biden Administration could do is to connect the internet because that way the world will be able to know and see the truth and they can communicate among themselves.

They will also know that they're not alone and that the United States is with them.

The Biden administration could enhance the wi-fi from Havana embassy or from Guantanamo and this can be done in minutes. Also, the private sector has developed—there's balloons that can carry wi-fi directly to the island.

I'm going to say this message in Spanish.

[Spanish language spoken.]

Ms. SALAZAR. Now, my question is, I'm going to—if I have more time, I'm going to ask you questions, but I would like to talk to Mr. Vivanco and ask you a simple question.

I was a news reporter, and I saw when Obama lifted all restrictions. For two and a half years he gave the opportunity to the Cuban government to really join the international community, and they spit on Obama. Two years.

Dozens of American companies wanted to do business in Cuba and the Castros did not allow it. Madonna went to celebrate her birthday in the—while the Damas de Blancos were being beaten on the streets. Mick Jagger went to do a big concert.

I interviewed dozens of American companies who wanted to do business with the Cuban government, and during the Obama years the Cubans said no. No. I do not know. Let me see. Because they are in the business of power.

So when you're telling me, Mr. Vivanco—and you have a fantastic organization that you represent, looking out for human rights—when you tell me the embargo is the solution, Obama proved it, and they spit on him, which was lamentable.

So why do we have to lift the embargo? Please.

Mr. VIVANCO. I never said that the embargo is the solution. I say that the embargo is the problem. It's not the solution. And if you want—

Ms. SALAZAR. What do you mean by that?

Mr. VIVANCO. Well, because, you know, and second, Congresswoman Salazar, the—part of the problem is the perception, the notion that there is some sort of quid pro quo relationship with the Cuban government. The Cuban government, I do not think, is interested in lifting the embargo. I think the embargo help the Cuban government to keep that notion, that narrative, that they are a victim of the U.S. Government. But—

Ms. SALAZAR. But if the United States wants to do business and the American companies want to do business in Cuba, if the tiering isn't going to let them it does not matter if there was an embargo or not. They just simply cannot go. Home Depot or Sheraton.

Mr. VIVANCO. What you need is to create the conditions for the international community, for the rest of democracies in the world, to—

Ms. SALAZAR. Obama created it, sir. Or didn't he?

Mr. VIVANCO. Right? No, but what you need is to create the conditions for democracies in Latin America and Europe to join support for human rights in Cuba. They are not crossing that line because the policy of isolation that day—

Ms. SALAZAR. Sir, Obama lifted the policy of isolation for two and a half years and the Castro regime did not respond.

Mr. VIVANCO. I do not think Obama—

Ms. SALAZAR. They gave everything in exchange of nothing. Let's look at the empirical evidence. Obama allowed for any American company to go and invest in Cuba—

Mr. VIVANCO. I do not think that—

Ms. SALAZAR [continuing]. Whether it was construction, hotel, hospitality, and they—and the Cubans did not sign the contract.

Mr. VIVANCO. Right. But—

Ms. SALAZAR. There was a ferry. I remember—I was there was. I was a news reporter. A ferry that wanted to go from Key West to Havana. The Cubans never allowed it. So what are you—I just would like to understand your position so maybe I can support it.

But I do not see it because history proved it already with President Obama. So now if you lift the embargo, what's going to happen is the China model, and the Chinese model is the worst thing that could happen to the Cubans.

Mr. SIREs. Thank you, Congresswoman.

Ms. SALAZAR. Sorry.

Mr. SIREs. On the second round you'll be able to continue your questioning.

Ms. SALAZAR. Thank you. Sorry.

Mr. SIRES. Debbie Wasserman Schultz is recognized.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Chairman, and I thank the gentleman for his indulgence in waiving on—allowing us to waive on to the committee.

I had a chance to watch the subcommittee proceedings remotely. There was a couple of things I think it's important to point out.

First is that President Biden has proposed additional sanctions and left the sanctions from the previous administration in place. He declared himself, in his own voice, Cuba as a failed State.

He gave voice to the Cuban protesters, issuing a clarion call for freedom and he has stood solidly since the protests broke out and before that in support of a free Cuba.

I also think, and Ms. Payá, I really want to agree with you about how important it is that this issue be nonpartisan. Not bipartisan, but nonpartisan. So you'll forgive me if I defend a few things prior to going back to what should be a nonpartisan issue.

I really think the audacity of those in the Republican Party who widely across this country support voter suppression and have supported the suppression and the—and thrown obstacles in the path of people across this country who simply want to cast their lawful and constitutional right to vote and who have denied that January 6th was an insurrection have a lot of nerve suggesting that they are the champions of freedom in another country when they are engaging in suppression of the people's right to vote and freedom here.

Okay. So setting aside that partisan—that partisan moment for a second, I want to ask Ms. Payá. If you could talk with me about Afro-Cuban—the Afro-Cuban environment, which I think is so under reported and so few people are aware of.

According to the University of Pennsylvania's Professor Amalia Dache, almost 70 percent of the Cuban population is of African descent. Let that sink in for a moment.

The State Department's 2020 Human Rights Report suggests that Cubans of African descent suffer significant racial discrimination, including subjection to racial slurs and beatings by security agents in response to the political activity.

Many have also reported employment discrimination, particularly for positions of prominence within the tourism industry, media and government.

Despite this, Afro Cubans have historically been at the forefront of the fight for Cuba's democracy and freedom, even though there has been a significant erasure of Afro-Cubans from history.

Can you share with us the specific challenges or threats that Afro-Cuban activists face on the island, and how has the economic crisis in Cuba and the COVID-19 pandemic disproportionately affected Afro-Cubans?

Ms. PAYÁ. Thank you—thank you so much for that question because, actually, Afro-Cubans are also the largest population in jail, are also the largest population with access—with families that comes from situations of vulnerability, and are also—within the Cuban opposition, the Cuban civil society, we have seen it with all the actions that Movimiento San Isidro has made have been also one of the most affected and targeted by the Cuban regime.

It was already a challenge 1 week ago to be of African descent and walk by the streets of Havana without actually being asked for the ID to—just to check it.

Actually, he was a Havanian or he needed to be deported to the eastern provinces. That's what Cubans of African descent actually endure in our country. And I think it's a very important and relevant point because this is widely ignored or not commented on about the race systems of the character of this communist regime that have been—that have been using its propaganda as a machinery actually to get to Cuban rights defenders around the world when they are actually trying to suppress those rights.

Ms. WASSERMAN SCHULTZ. May I just interrupt you for a moment and just ask you to confirm, you know, while the Cuba regime has declared racism ended, you know, after the revolution, isn't it true that they have completely banned and prohibited any African or Black activism organization from existing and functioning on the island?

Ms. PAYÁ. They have prohibited any independent organization asking for rights of Cubans of African descent. Yes, that's actually true.

Ms. WASSERMAN SCHULTZ. Thank you. Thank you for the—

Ms. PAYÁ. Of course—of course, they have entitled themselves as the defenders of those rights.

[Laughter.]

Ms. WASSERMAN SCHULTZ. Right. The irony.

Mr. Chairman, thank you for your indulgence, and I just also want to point out that I, myself, have been a longtime opponent of lifting the embargo.

I yield back the balance of my time, which I no longer have.

Mr. SIRES. Thank you, Congresswoman.

Congressman Perry, you're recognized for 5 minutes.

Mr. PERRY. Mr. Chairman, with all due respect, you seat in here as far as I know, and I appreciate it. But I think the good representative from New York should be next and—

Mr. SIRES. It goes by seniority.

Mr. PERRY. I'm happy to defer.

Mr. SIRES. You're older.

Mr. PERRY. No, I can go. I can go.

[Laughter.]

Mr. SIRES. Do you want to defer to her?

Mr. PERRY. Yes, I think it'd be appropriate.

Mr. SIRES. Yes, but before her I have Demings.

Why do not you just go and we'll take care of it.

Congressman Perry?

Mr. PERRY. All right. All right. Thanks, Mr. Chairman.

Well, I appreciate the opportunity to speak before this subcommittee regarding what I think is the evil dictatorial regime of the Cuban Communist Party, and I'll be clear about that.

Before I continue, I want to pay tribute to one of our witnesses here today, Rosa María Payá. and thank you for all the work that you've done to give the Cuban people a democratic voice.

I know I speak for everyone on this committee in condemning the despicable murder of your father, Oswaldo, at the hands of the Castro regime nearly 9 years ago on July 22d.

It is long past time for an independent investigation to be commissioned into Mr. Payá death. You have our word and our commitment that we will do everything we can to bring this grotesque regime to account for its numerous crimes against humanity.

Those who have lived through the evils of the Cuban regime could tell us what little regard the Castros have for the dignity and worth of every human life. We know that they sadistically tore apart families, imprisoned and killed thousands of political dissidents, supported groups like the FARC and Sendero Luminoso, who we—who decapitated people live on television and destroyed Cuba's economy.

I recall November 2016, when the far-left apologists like Canadian Prime Minister Justin Trudeau insisted that Cuba, under Castro, was actually a progressive egalitarian utopia.

I could only shake my head at the stomach-churning ignorance of a prominent Head of State. This is unacceptable at any level at every level.

What most folks do not know is that compared with the average monthly income of approximately \$20 for a Cuban citizens, Fidel Castro boasted a \$900 million net worth in 2006—\$900 million.

Egalitarian is, certainly, not a word I would use to describe Cuba under Castro. Castro also sent doctors abroad on so-called humanitarian missions to bolster his own finances, all while the hospitals in Cuba remain chronically under supplied and even lack such basic products as aspirin and blankets.

The Castros are both self-serving tyrants and their puppet successor, Mr. Díaz-Canel, is cut from the same oppressive communist cloth. You'll hear from apologists that excessively long wait times at Cuban hospitals due to medicine shortages and lack of economic opportunity is entirely the fault of the American embargo.

Couldn't be further from the truth. The embargo is the only reason Cuba isn't thriving economically, they'll say.

What these apologists won't tell you is that Cuba trades extensively with almost every country in the rest of the world. The U.S. embargo does not prevent Cuba from trading with other countries or non-American companies.

Indeed, Cuba trades extensively with China, Spain, Venezuela, and Russia. Gross mismanagement and dictatorial policies are to blame for Cuba's current state, not the embargo. In a true fashion, it is the little people in Cuba—it is the average citizen that suffers under socialism, under communism, under this dictatorship, and it is the people at the top that thrive.

And just as an aside, that's what some of the people in this government in the United States of America want to bring to America.

Today, we are, thankfully, able to bear witness to the tenacity and character of the Cuban people as they rise up to tell their evil government that they've had enough.

Freedom has been subverted for generations in Cuba but not for 1 day longer, if the Cuban people have anything to say about it.

I wish to iterate a word of caution to my colleagues. We must not undermine the efforts of Cuba's pro-democracy anti-socialist movement. While the Cuban people languished under the progressive Castro regime, former President Obama reengaged the "wet

foot dry foot” policy for the Cuban people in retaliation for Cuban Americans voting overwhelmingly Republican in the 2016 election.

We can only hope that President Biden eschews such atrocious and blatantly obvious political retribution and instead commits the full resources of the U.S. Government to benefit those yearning to be freed from tyranny 90 miles away from our shores.

Now, Ms. Payá, can you tell us how internet access would bolster the pro-democracy movement in Cuba right now and what America can do right now to make sure that happens?

Ms. PAYÁ. Thank you so much.

Actually, it has already done that. They’re very censored, and as far as internet access existing in Cuba has already give empowerment to the Cuban people and now there are more Cubans that actually know in 3 hours—last Sunday, just in 3 hours the protests replicated around the whole island, 3 hours after there was no internet at all in the island, or it was almost cutted completely.

So yes, to give internet access, satellite internet access with the capacity of bypassing the censorship or just being out of control of the Cuban regime has the possibility now also to save lives because we are going to be able to, for instance, verify all the atrocities that we haven’t been able actually to put in numbers, and a—and to put in the reports to the Inter-American Commission of Human Rights or to the—or to the U.N. because we have no communication.

We have no connections, and that connection and that freedom of speech that we were just talking previously is the only tool that the Cuban people right now. That, and their own bodies, and they are putting those bodies on the streets and they are demanding freedom and the end of the dictatorship.

If I may, I want to mention that last year, we collect 45 tons of food and medicine as humanitarian aid, and we sent it to the island without any obstacle from the American government or institution. The only obstacle was the Cuban regime that confiscated all that humanitarian aid and actually they just stole it.

Mr. SIRES. Thank you.

Mr. PERRY. I thank the chair and the ranking member—committee’s indulgence.

Mr. SIRES. Congressman Demings? Congresswoman.

Mrs. DEMINGS. Thank you so much, Mr. Chairman, and thank you to you and the ranking member for allowing me to participate in today’s very important hearing.

The testimony and responses to our questions have been powerful, and I believe they are so necessary to our understanding of the dictatorial communist and socialist regime in Cuba.

On July 11th and since, Cubans have bravely told us what they want for their future, and that’s freedom. Let’s be clear about that. We, as a Nation, know or we should know that people are willing to sacrifice everything—to be beaten, to be in prison, to even die—for the sweet taste of freedom, and we as a nation have another opportunity, yet another opportunity, to get this right. And I am hoping that we will stay focused on freedom and not the destructive politics of the day.

I, too, am specifically interested, first of all, on the unique challenges that Afro-Cubans face. And my colleague did ask about that.

But Mr. Vivanco, I'd love to hear your thoughts on the unique and specific challenges that Afro-Cubans face.

Mr. VIVANCO. Yes, the Afro-Cuban community is large in Cuba and has been historically discriminated in spite of the official line that Cuba is not—I mean, it's a racial democracy.

It's not—we know that it's not a democracy. We know that it's a dictatorship. And we know that they discriminate against those ones who comes from the Afro-Cuban community.

And you see that when, as Rosa María Payá said, on the streets in control—police control and as well as in the prisons, in Cuban prisons, Cubans' access to—Afro—Cuban access to education and as well as the top positions within the dictatorship.

Mrs. DEMINGS. Thank you so much.

And I'd also like to ask about Cuban LGBTQ rights activists who were arrested and beaten by plainclothes security officers in May 2019 for organizing an unauthorized demonstration after government officials had canceled a planned annual march against homophobia.

How would you evaluate current legal protections for LGBTQ individuals in Cuba and the level of societal discrimination against them as well?

Mr. VIVANCO. As my colleague, Rosa María Payá said, everything depends on Cuba whether you are independent or you're part of the official machinery. So an LGBTQ organization that try to develop their own approach, their own policies, and they're trying to make an effort so, for instance, to monitor human rights conditions for their own community are not allowed, are prohibited, and are subject of all sort of, you know, sanctions and persecution in Cuba unless you're part of the official structure.

Mrs. DEMINGS. Ms. Payá, anything you'd like to add there?

Ms. PAYÁ. Yes. I think it was very well established and occurred, and if I—if I just ask, there are many members of the LGBT community, many Cubans of African descent within the opposition movement, and the—and the Cuban civil society.

We Cubans, we understand that all of us, we need the fundamental human rights. But I need to say that those that are members of LGBT community or the Cubans of African descent have an extra challenge when they have to face the repression of the—of the Cuban State security.

And just briefly mention the case of Hector Luis Valdes Cocho. Actually, he's a Cuban of African descent and he's a member of LGBT community, and he was almost raped during a arbitrary detention a few days ago.

Mrs. DEMINGS. Thank you both so very much for your testimony.

Mr. Chairman, I do yield back.

Mr. SIRES. Thank you for participating.

Congresswoman Nicole Malliotakis.

Ms. MALLIOTAKIS. Thank you. Thank you, Chairman.

Despite my Greek last name, many of you may not know that I'm of Cuban descent. My mom is a Cuban refugee. My grandfather had his gas stations and small business home taken away from him by this regime.

I still have family that are living there, and I could just say that this—because I've heard one of my colleagues earlier talk about COVID vaccinations. That is the least of their problems, Okay.

Nobody needs COVID—they need them, perhaps, but it's not—it's not the issue and that is not what they're fighting for. They want freedom. They are starving. They need access to medicine. They do not have any of these things because the regime takes it all.

And with regards to the embargo, you know, I very much disagree with you, Mr. Vivanco, because Cuba does business with nearly every other country in the world, hundreds—at least \$100 billion in trade annually for that small island. The regime takes everything.

The regime takes everything. Anything that comes into this island, whether it's money, whether it's food, whether it's medicine, the regime takes it and lifting the embargo will do nothing except prop this communist regime, this murderous, brutal communist regime, which you understand as someone who is an advocate for human rights, further up, and it will do nothing to actually help the people.

And so my question is, first, to someone who truly understands as a dissident herself, Ms. Payá. Can you please explain to my colleagues how this regime weaponizes anything that comes into this island against their own people?

Ms. PAYÁ. Yes, thank you. Thank you so much for that question, because one of the things that the regime weaponized are actually human beings, Cubans, and I think that everybody here already understand that the Cuban regime can be thinking on blackmailing the United States with the migratory—with the migratory crisis.

To be—to get into that trap in this moment is to fail the Cuban people. The root of the problem—the root of the problem is the dictatorship and the Cuban people understand that, and that's why they are—they are demanding the end of the dictatorship.

Regarding all the things that are sent to the island, I have to say we want to send everything to the island but under the condition of no interference of the Cuban regime and that condition is just because when the regime interferes, that sends hard currency or humanitarian assistance or whatever it is. Doesn't end in the hands of the Cuban people but in the hands of the repressors.

So it's very important. It's very important that this country help us, not to give money to the repressors but to help—but to help the Cuban—but to help the Cuban people.

If I may, to make this discussion about the embargo is to take the old approach. The Cuban people is in the streets. Something has changed.

In July—July 11, a week ago, the people is—the whole island demanding freedom, demanding the end—the end of the dictatorship. And there are many things, many new things, many fresh things that this administration, that the members of the OAS, that the European Union could do and should do to help the people.

And I will repeat, please, targeted individual sanctions rise because of the repression, targeted the—targeting the individuals, the generals that are commanding those killings and those detentions.

Replicate the South African experience. When we said, please, put consequence to the enterprises that actually enrich the regime,

we're not asking for any sort. We're asking for the Sullivan Principles, the same experience that actually worked to end the apartheid.

Why we cannot have that in Cuba now when the Cuban people is demanding that?

Ms. MALLIOTAKIS. Thank you very much. So yes, the communist regime, if you are one of them, one of the communists, if you join their communist revolution then you will be taken care of somewhat by what's coming into this island.

If you are someone who is a dissident or just an average Cuban, you get absolutely nothing. That is the—that is the false promise of communism, that everything would be equal, right? That's what socialism claims. We want equality.

Yet, it could not be further from the truth. The communist dictators, the ruling class live like kings, and everyone else lives in squalor. And that is what we're trying to end by pushing for freedom on this island and allowing them to determine their own future.

Mr. Vivanco, I will, though, ask you a question, because as someone who is involved in Human Rights Watch, I would love to know your opinion about Cuba, along with China and Russia and Venezuela, the most egregious human rights violators, being members of the United Nations Human Rights Council.

Mr. VIVANCO. Do I have a second to answer your question?

Mr. SIRES. Sure.

Mr. VIVANCO. Look, a couple of points. I'm not in disagreement with you on the first point that when you mentioned that Cuba is not isolated. I fully agree with you. That is precisely the problem.

You have failed to persuade the rest of the international community that you have to isolate Cuba. Cuba is not isolated. It is trading with, you know, with any other country, including Brazil. Brazil is the most important source of food for Cuba.

And so the trouble is that you are insisting on a policy that create fundamental disagreement for the rest of international community, and the challenge for me is to create conditions to bring in those democracies to exercise pressure on the Cuban government.

But the line of the—of the isolation and the embargo is not supported for the—by the rest of the world. That is, essentially, the problem that you have here. It's a pragmatic problem.

You need to look at this one with different eyes to see what could be—what will be the most effective policy from the U.S. to improve human rights conditions to force the dictatorship to transit from dictatorship to democracy.

And, certainly, the approach that—you know, that the U.S. has taken for 60 years is not working. That is my point.

Ms. MALLIOTAKIS. They're doing business with everybody in the world and it's not working. But if you could respond to my human rights question—

Mr. SIRES. Thank you, Congresswoman. We're going to have second—we're going to have a second round. Thank you very much.

I'm going to ask a second round of questions, if you do not mind, and I'll start by saying this. I'm so happy that Congresswoman Demings raised the Afro-Cuban situation in Cuba, because for many years the propaganda machine in Cuba has told the world

how in Cuba there is no racism, that the Afro-Cuban is equal to the white Cubans.

I mean, this propaganda machine it's incredible throughout the world, because I have traveled extensively and people tell me—I said, that's not—that's not accurate. You know, just—you know, just like they have five vaccines in Cuba.

Well, why do not they use them? Just like when they said they've discovered oil off the island of Cuba. Well, how many barrels have they extracted? You know, it made the whole east coast of this country in a panic thinking that they were going to have drilling 90 miles from—

So the propaganda machine in Cuba, it's the best in the world. So I was so happy that you touched upon that point. That is a lie about how equal the society in Cuba is.

And as far as the vaccine, I am all for sending vaccines to Cuba. My problem is that what you're going to have is the same situation you had in Venezuela.

We sent vaccines to Venezuela. The government takes it, so it does not get to the people. It just gets to the people who support this dictatorship.

So how do you get around that, Mr. Vivanco? How do you get around the government taking everything you send to the island to help ease the situation on the island when the government is just a taker?

Mr. VIVANCO. Mr. Chair, best vehicle to address that challenge is to do it through United Nations. United Nations, when they—when they come in into humanitarian crises like the one facing in Venezuela, one of the fundamental preconditions is that the distribution, access, and administration of all the food or medicine is done under the U.N. flag, not the local one because, obviously, the temptation for the dictatorship in Venezuela as well as in Cuba is to take advantage of that, one, and two, you know, to take advantage to do some more propaganda by using that type of support.

So I do not see a way that the U.S. Government, even the Biden Administration, could provide access to or support for vaccine—vaccination of the Cuban people without doing through some sort of vehicle like the United Nations, who has the capacity and they know how to make those distribution according to U.N. principles, which are—which are, you know, by definition nonpolitical.

Mr. SIRES. In terms of the five vaccines that the Cuban claims they have, the Abdala and the other ones, vaccines, why do not they use it?

Mr. VIVANCO. Part of the problem is that the way that they have handled the COVID epidemic in Cuba has been a disaster.

As I said before, our information revealed that they have rejected vaccines coming from China and Russia just because they want to prove and to demonstrate to their own people and the rest of the world that they have the capacity to produce their own vaccine, and then distribute that one to the rest of the world.

Well, all of that, you know, plan has failed. But it's part of another piece of propaganda.

Mr. SIRES. Propaganda.

Would you like to add something to that?

Ms. PAYÁ. Yes, just add that actually the Cuban regime also rejected the COVAX help—COVAX's initiative of the U.N. or in relation with the U.N. and they also rejected the COVID vaccine in a very criminal decision not to immunize the Cuban—the Cuban population and provoke an even deeper crisis that they were already—that we were already facing.

Whether it is United Nations or the European Union or any other multilateral organization, the key thing is the nonintervention of the Cuban regime. As soon as they participate in the process, they are going to—they are going to solace in the help or they are going to weaponize that help against the Cuban people.

Mr. SIRES. Thank you.

Congressman Green.

Mr. GREEN. Thank you, Mr. Chairman, and thank you for the witnesses who are willing to do a second round.

One of my colleagues earlier commented that China was a good example where the U.S. has no embargo and inferred that because of that it's proof—a reason why we should lift the embargo with Cuba.

I'd encourage those who are supporting lifting the embargo and citing China as proof to go and watch the video of the protesters in Hong Kong. Go ask the Uighurs what it's like to live in China under the Communist Party of China.

I'd like to ask you to go and talk to the churches in China where they're forcing them to take the cross down and replace it with pictures of Xi Jinping.

The only other place in the world I can recall in my limited travels as a military officer and running a not for profit is that where the president's picture is so ubiquitous is Saddam Hussein in Iraq.

Go ask the Falun Gong folks what it's like to have your organs forcibly removed and sold.

I do not see the lifting of the embargo making a huge change there in China. Ask the student or the researcher how easy is it to search the internet in China? They do not call it the Great Firewall of China for nothing.

So this notion that, I mean, lifting the embargo is going to make totalitarian dictatorships change overnight is just—it pales. I'm an ER physician, not a brain surgeon. So perhaps maybe there's something I do not know.

But I've looked—I'm sitting here thinking. Totalitarian dictators in the past, how many of them with opened economic have actually stepped down from power and allowed for a republic to develop? I cannot think of one in history.

A question for Ms. Payá—There's strong international consensus for restoring Venezuela's democracy. People are working together. Countries are supporting us and our, you know, actions there.

Yet, in Cuba, as Mr. Vivanco has said, they are doing in Cuba—I mean, we haven't gotten others to join us there. What is the difference? And this is just a genuine question. What is the difference and why are—why are they not helping with Cuba but they seemed to be very helpful with Venezuela and the socialist dictator down there?

Ms. PAYÁ. I think that's a question for the rest of the world, because what it is—a reality is that tolerating 62 years of the com-

munist dictatorship in the island of Cuba does not only affected several generations in my country but have gravely and seriously affected the democratic stability of the whole continent.

Actually, we wouldn't be talking about the collapse of the democracy in Venezuela without the support, the coordination, and the interference of the Cuban regime.

Same thing with the—with the repression in Nicaragua, and you know history. You know about the interference programs of the Cuban G2, well trained by the Stasi and KGB in Latin America.

So this—in this pivotal moment that we are living as a Nation, a nation that lives inside but also outside the island because of the dictatorship, our goal for the international community is, please, see directly to the Cuban people, to the suffering of the Cuban people, and to the demand of the Cuban people, and that demand is freedom and that demand is the end of the dictatorship.

And that demand is not only going to help Cuba, but it's going to help peace and national security of our whole hemisphere.

Mr. GREEN. Throughout the region. Absolutely. It seems to boggle the mind that the world will join us to jump on Venezuela, but the folks that are actually—I mean, the Cuban military is in Venezuela. The Cuban military is helping Nicaragua.

Ms. PAYÁ. Yes.

Mr. GREEN. I mean, it just makes no sense to me that the rest of the world is—has joined us in this fight and yet that seems to be the reason why it's failed. Because we haven't gotten all the rest of the world involved, so let's just lift the sanctions. Makes no sense to me. Thank you.

Mr. SIRES. Thank you, Congressman Green.

Congressman Vargas, thank you for coming.

Mr. VARGAS. Mr. Chairman, thank you very much and thank you for allowing me to be here. I apologize. I had a committee running same time as this one. The only thing I would correct for the record, maybe, Dr. Green said, I'm not sure that a ER physician would yield to a brain surgeon in every instance. Maybe in this case.

[Laughter.]

Mr. GREEN. Point taken.

Mr. VARGAS. With that being said, I have great concern for what's going on, obviously, in Cuba. I'd like to see the dictatorship gone, the authoritarian rule and, obviously, have democracy and have people have the opportunity to vote and to choose whomever they want. They haven't had that opportunity.

I'd like to see the Cuban people be able to lift their standards of living. Obviously, Cuban Americans, when they come to the United States, they do very, very well and I'm sure that that country would be able to lift up its standard of living if it had freedom, if it had democracy.

But a lot of people ask, in a practical sense what can we do to really help, I mean, other—short of sending the Marines. I mean, how, in a practical sense, can we help Cuba in this moment?

Why do not I begin with you, Mr. Vivanco?

Mr. VIVANCO. What we need is the support of the rest of the international community. Bringing change on Cuba and improving the record of Cuban human rights and democracy without the sup-

port of Western democracies, European democracies, Canada, Latin American democracies, is going to be difficult—has been very, very difficult.

And normally, when you raise questions about Cuba to a head of a State in any Western democracy, they will ask you what about the embargo. That is the problem. It becomes a distraction.

And they say, you know, we are not going to join forces. This has been told to me many times because I care about Cuba, and I travel the world raising questions about Cuba or Venezuela.

So when you say, you know, what about those—you know, free speech in Cuba, freedom of religion in Cuba, free association? You know that we have never heard about a strike in Cuba. Why are there no strikes in Cuba? Because there are not independent unions in Cuba—are not allowed.

So when you try to create a debate outside the U.S., in Mexico, for instance, which has a lot of influence in Cuba, the natural reaction of those ones who should be supporting human rights in Cuba is what about the embargo? We do not support the embargo.

And then you try to divide the conversation and say, you know, let's discuss the embargo later. Let's focus on Cuba now, you know, and the rest of the world is not willing to—

Mr. VARGAS. Let me interrupt you just for 1 second, and thank you for that answer. I mean, a lot of people believed, including myself, maybe there was going to be an opening when the Soviet Union imploded.

When the Soviet Union imploded, a lot of us thought, well, this is a satellite State, really, of the Soviet Union and there's going to be change in Cuba. But it didn't really happen because they continued to have support from other countries around the globe, and they continue to have it.

So in a practical sense, when you say that Western democracies should kick in, well, I think they should, but if they do, how would that really make a difference if they're getting support from these other countries—if Cuba is getting support from other countries?

Of course, they do not like us very much. It still seems like they will carry on. I mean, that's what people want to know. How, in a practical sense, can we make a difference with the reality on the ground there and the international reality as it is? How can we make a difference?

Mr. VIVANCO. The only—look, I sound like a broken record. But the best way to contribute constructively to the Cuban debate is by looking into your own policy and make a very objective empirical assessment of the—whether that policy has been effective or has failed.

My conclusion is it has failed because, you know, you have a very strong dictatorship in place. So it's time to introduce some adjustments. Former President Obama didn't lift the policy of isolation. What he did was to reestablish diplomatic relations with Cuba.

But the heavy lifting—the work needs to be done here in Congress. If this policy is not subject of a real and serious objective nonpartisan, you know, evaluation, we will keep the status quo and I bet you that nothing will change in Cuba.

Mr. VARGAS. Thank you. I have more questions, but my time is up. So I will yield. Thank you.

Mr. SIRES. Thank you, Congressman.
Congresswoman Salazar.

Ms. SALAZAR. Thank you very much, Mr. Chairman. I have a couple of questions for both of you. Let me start with you, Rosa María. Basically, yes or no—if the White House gives green light to connect internet either through Guantanamo or Raven Company or the U.S. embassy in the middle of El Malecon, will the Cubans go back into the streets?

Ms. PAYÁ. The Cubans are already in the streets and—

Ms. SALAZAR. But more and more.

Ms. PAYÁ. Of course. Of course. I mean, that connection allows communication and allows coordination.

Ms. SALAZAR. Do you think that then more Cubans will feel emboldened because they know that the world is watching them because of the wi-fi?

Ms. PAYÁ. That's very important. That's key. I do think that and I do think that everybody needs to send a message to the Cuban people that they are not alone.

Ms. SALAZAR. But if the Biden Administration is not saying clearly that they are with—that the Biden Administration or the U.S. Government is with the Cuban people, are they receiving that information?

Ms. PAYÁ. The best way to deal with the Cuban people is with real actions and internet is one of them.

Ms. SALAZAR. Right. Now, what else can we do besides forcing the Biden Administration to give the green light so we can turn on the internet right now, which is the most effective manner, through the embassy or in Guantanamo with a tower, a wi-fi tower?

We're talking about Netflix quality video. We're talking about just the ability to lift the videos that show how they're being beaten on the streets. What else could we do besides that?

Ms. PAYÁ. You could, please, help us to put these recommendations on the radar of the—of the president and, please, also do it as not just personal recommendations but, actually, these are the suggestions, the recommendations of the majority of the Cuban civil society in opposition that took part of a platform called Pasos de Cambio, and—

Ms. SALAZAR. Unfortunately, the Biden Administration is not paying attention to us or to the Cuban people, which is the most important part.

So then I go to Mr. Vivanco. Were you saying—you're saying—I've been hearing you repeat once and many times that we need the international community to join the United States in order to create change in Cuba.

But then my question is now, putting the embargo aside, putting politics aside, where is the international community now when they see that the people are shouting on the streets? That has nothing to do with the Americans or with the embargo. Where is that international community?

Mr. VIVANCO. Unfortunately, the reaction of the international community is not, you know, up to the level that is required.

Ms. SALAZAR. And why is that? Why is that? Why do you think that is?

Mr. VIVANCO. Because, unfortunately—let me give you—let me cite you an example. The president—the current president of Argentina—

Ms. SALAZAR. Okay.

Mr. VIVANCO [continuing]. Alberto Fernandez—

Ms. SALAZAR. Yes.

Mr. VIVANCO [continuing]. He says, I have no idea what is going on in Cuba but I am against the embargo. So that is a very unfortunate reaction, right. He is the leader of a democratic country. He is not a dictator. So this is not—you know, we are not looking into Russia or China.

This is one of the biggest democracies in Latin America. And he, you know, he seems to be, you know, somebody who should be aware about what is going on in Cuba.

Ms. SALAZAR. So everything is the embargo. But then if you are telling me that he does not even know what's happening in Cuba. So that means that they do not care what's happening. And like I repeat, what's happening in Cuba has nothing to do with the embargo.

But then—and I want you to tell me where I'm wrong in this statement. You lift the embargo, as you're advocating the United States to do. Then the Castro brothers will have access to loans, specifically from the World Bank from and the IMF, and everybody will be doing business with Cuba because there is no more American embargo on it. Right?

And then what happens then? Then, accordingly, so I go back to Obama. Then what happens next? We will then have given oxygen to a repressive apparatus to continue repressing the Cubans. And then where's the democracy in this whole picture?

Mr. VIVANCO. Let me—let me answer your question, and I think it's also relevant for the comment made by Congressman Green. He said—and I believe and I agree with you, Congressman Green. You said, I do not believe that lifting the embargo will bring change and democracy overnight in Cuba.

Ms. SALAZAR. So then we have to wait, what, 50 years—

Mr. VIVANCO. I agree—I agree 100 percent. I agree 100 percent. So, in other words, this is not a trickle-down economics. It's not like you lift the embargo, then bingo, you have democracy in Cuba the following day.

What you need is the multilateral pressure and you need to build that one, and that will take time to build that, you know, diplomacy with democracies in the world who care about human rights in Cuba.

Ms. SALAZAR. But that depends on those democracies. And I agree, that depends on those democracies and you just pointed out the fact that those democracies are just not tuned in.

So we do not—if they will, at some point. So one way or the other, we do not know when democracy is going to get to Cuba. But in the meantime, the Cubans are on the street and no one is paying attention including the Biden Administration. That's reality.

Mr. SIRES. Thank you, Congresswoman.

Ms. SALAZAR. Thank you. Sorry. Thank you for the time.

Mr. SIRES. Congresswoman Debbie Wasserman Schultz.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. Chairman. I'd like to turn to the subject of Cuban doctors and just reference a March 2019 report by the New York Times that detailed how members of Cuba's medical mission in Venezuela said that they were told to provide oxygen tanks and other desperately needed medical assistance only to individuals who committed to voting for the Maduro regime.

In multiple cases, they described being ordered to withhold life-saving treatment to individuals who hadn't proven their political loyalty to Maduro.

Are these medical missions still going on in Venezuela, and what has been their impact?

To either one of you.

Ms. PAYÁ. Yes, they have—they have been taking place in Venezuela and in many other—and in many other countries, and it is very important that not only—not only United States, not only the United Nations that actually issued a report elevating the Cuban medical brigades' treatment to the treatment of forced labor.

And it's very important that the rest of the world restrain for participating in these kind of activities that are designed to give money to the Cuban repressors as in over the life and the human rights of the Cuban doctors.

But you made a very good point because it's not this—these international missions that the Cuban regime has around the world and not just for—and not just for money. Also for espionage, and I have a very—a specific data from the Cuban medical missions that took place in Bolivia during the Evo Morales—during the Evo Morales presidency.

From 503 medical doctors are supposed—medical doctors working on Venezuela, 497 were not medical graduates. So that the impression that the Bolivian State was making in medicine or health was actually being made on espionage and given a State security.

Ms. WASSERMAN SCHULTZ. And Senor Vivanco, you mentioned earlier that the exploitation of Cuban doctors has been helpful in some countries. But compare that with the information coming out of Cuba in terms of the reality of health care on the island, where in—even in Havana, pregnant women are required to bring their own sheets, that they actually have to bring cleanser so that they can clean the feces off of the walls and the toilets so that they can have some semblance of sanitary conditions to give birth.

Can you—can either view describe the facade, the real lies, fabrications, of the wonderment that is portrayed of how excellent the Cuban healthcare system is compared to the reality of it being rationed and individuals, particularly of Afro-Cuban descent, are actually discriminated against when it comes to access to health care?

Mr. VIVANCO. Just a couple of points. I do believe that the Cuban doctors, those ones who are doctors—I'm not talking about spies—Cuban doctors are heroes and should—and deserve as much respect as we could give them because they go—

Ms. WASSERMAN SCHULTZ. Right, and this is not of them.

Mr. VIVANCO. Say it again.

Ms. WASSERMAN SCHULTZ. My criticism is not them.

Mr. VIVANCO. No. No. No. That's right.

Ms. WASSERMAN SCHULTZ. I think they're being enslaved.

Mr. VIVANCO. It's very important to make that distinction between the doctors who goes to, you know, remote and poor communities all over the world to service them from the machinery, the structure used by the Cuban government where the doctors become actually victims, and they have no rights, no right to, you know, privacy, free speech, association, and so on and so forth.

By the way, the chair of the subcommittee asked me before what happened if those—any of those doctors applied for political asylum, for instance, and abandoned—

Ms. WASSERMAN SCHULTZ. But if you could focus—if you could focus specifically on the actual—the reality of healthcare access and conditions on the island.

Mr. VIVANCO. I do not have that data, the current data of reliable data of the current—

Ms. WASSERMAN SCHULTZ. Do you? Ms. Payá, do you?

Ms. PAYÁ. Yes, I do not have data because we do not have any statistics. But we have seen videos and we are in total connection with the Cubans in the island and the—and the reality seems to be of a total collapse of the healthcare system, at least in the provinces Matanzas, the people were even—Matanzas, yes—the people were even dying in the aisles and in the entrance and in the houses without proper medical—without proper medical attention.

We are facing a very—a very high prices of the sanitary system, of the healthcare system, and it's clear that the authorities of the dictatorship are not—are not capable of actually solving the problem. They are not prepared or they are not willing to.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, the portrayal of the Cuban healthcare system is mythological, that is one that provides all kinds of free and wonderful access to health care to people on the island. That is simply untrue.

And in addition to that, the reason that we do not have the information that we need is because they deny access to the data, unlike free countries which universally share data so that everyone can have access to it and see what's really going on in terms of the treatment and the health and well-being of their people.

I yield back the balance of my time.

Mr. SIRES. Thank you, Congresswoman.

Congressman Perry.

Mr. PERRY. Thank you, Mr. Chairman, and thank the witnesses.

I read a book one time entitled, "And the Russians Stayed," talking about Cuba.

Now, the folks that are for ending the embargo—so I'm sitting at the table, some on the other side of the aisle here in this building, and most, I think, importantly and vociferously the Chinese, the Russians, and the Cuban dictatorship. I think that's an interesting coalition and it's important to recognize it for what it is.

Ms. PAYÁ. can you—can you describe to us, if you can, because we have heard the reports but it's hard to get verification, what are the Venezuelans and the Russians and the Chinese doing in Cuba right now to stomp out this freedom movement?

Ms. PAYÁ. Yes. And again, we only—we only know what is public. We only know what the anecdotes of the witness in Cuba mentioned. But just taking into consideration what is public, Russia

issued a statement in the first days of last week, encouraging Miguel Díaz-Canel, the puppet of Raul Castro, which holds the charge of president of the dictatorship, encouraging Díaz-Canel to use all the measurements available within the Cuban law to a stop the protest. That were not the exact words, but that was the message.

And I have to say to use all the measurements within the Cuban law includes the—includes the violence, includes the weapons against the Cubans—the Cubans that are actually trying to change the system because, actually, the Cuban constitution that was imposed in 2019 in the Article 4 that constitution allows anyone to fight even using the—they call it *lucha armada*, even using weapons to fight anyone that is trying to change their political and economical system that that constitution established, which is the Cuban Communist Party as the Director of the Society and the State.

So, basically, Putin was giving his endorsement to the killing of the Cubans in the streets if they were trying to change the—to change the system.

Having said so, Cuba—the Cuban regime has been the gateway to the intelligence service of Chinese, of Russians, and the connections, the coordination, the kind of a relationship that the Cuban regime passed over the Maduro dictatorship have been widely documented.

And they are in charge, for instance, of the counter intelligence, specifically, the military counter intelligence. So that's there now.

Mr. PERRY. So everyone knows that the Russians and the Chinese have their most important listening stations located in Cuba, and so with people are saying, well, Mr. Vivanco, the embargo is not working.

And I agree with you to a certain extent that doing the same thing over and over again and expecting different results is insanity. And for 60 years, and before that Bautista, the same thing, right? Dictatorship and us with the embargo now and hoping it will work.

But I would submit to you that while I agree with you that it's not working under its current form, because other countries are happy to trade with Cuba, they're happy to trade because there's something in it for them.

There's money in it for them. There's influence. There's China. There's Russia. And this is the time—right now is the time when the United States with the embargo needs to step up and do even more as the Cuban people put their lives on the line, literally, on the streets of Cuba at the hands of the Venezuelans, at the hands of the Chinese and the Russians, who will kill them in their homes.

And now's the time for the United States to up the ante, to say we—go to these other countries and say, you must stop trading with them. You must stop helping. Now is the time, not to back off, not to do exactly what the dictatorship wants.

Ms. PAYÁ. certainly, the Cuban people can defend themselves against the Venezuelan police, the Russians, the Chinese. Certainly they can defend themselves. They're armed, aren't they?

Ms. PAYÁ. No, they are disarmed—

Mr. PERRY. Say it isn't so.

Ms. PAYÁ T1[CONTINUING]. AND PEACEFUL PEOPLE DEMANDING FREEDOM IN THE STREETS AND THEY ARE CONFRONTING AN ESTATE WITH ALL ITS RESOURCES AND THE RESOURCES OF THEIR—OF THEIR OTHER—OF THE OTHER ENEMIES OF FREEDOM TO THE WORLD.

Mr. PERRY. Ladies and gentlemen, now is the time for the United States to lead, not back off on the embargo but to step up and force other countries, demand other countries, to step up and stop the insanity happening 90 miles off our coast.

I yield the balance.

Mr. SIRES. Thank you, Congressman.

Congressman Vargas.

Mr. VARGAS. Thank you, Mr. Chair, and I believe it was Albert Einstein who was credited with saying, if you do the same thing over and over again and you expect a different result, that's insanity. And I think that that's right.

I mean, if you continue to do the same thing and expect a different result, that is insanity. I'd argue, I mean, everybody's putting the blame seems—not everybody, some people to be putting the blame on this administration.

But I would say, hey, where was the Reagan Administration? Where was the George H. W. administration? Where was the George W. administration? Where was the Trump administration?

If it's so easy to do, why wasn't it done? I mean, the reality is, I think it's very difficult to get change there and again, because it does have, I think, these other States that help it.

I gave the chance last time to Ms. Payá

Mr. Vivanco, how would you do it differently? Because it does seem to me that nothing's going to come of all this. You're going to have a lot of poor people suffering in Cuba again.

You're going to have this, you know, the people in the streets. They're going to get repressed. They're going to get attacked. A lot of them—not a lot of them, but a number of them are going to get killed. They're going to disappear.

All the terrible things that normally happen, and nothing's going to change because we're going to continue to do the same thing.

Ms. PAYÁ. Congressman Vargas, I do appreciate the analysis of the—of the history because I do believe that we are in a pivotal moment, that this moment is qualitatively different from anything that we have seen before in the 62 years.

We have seen massive protests across the whole island, tens of thousands, probably hundreds of thousands of Cubans, maybe a million Cubans in the streets demanding freedom and demanding the end of the dictatorship, demanding those things from a dictatorship that actually is in one of the most vulnerable moments in history, too, for many reasons, but also because the access to resources have been—have been diminished during the last—during the last years, but especially because the Cuban people have fundamentally changed in its behavior, and it's going out in the streets and it's demanding freedom, not just—not just on Sunday, but only during this year til January—til June 30 there have been more than 1,100 protests in Cuba.

So there are many fresh and important things that international community and United States can do—can do to help us, and one of these is rise the cost of the repression against the Cuban people,

imposing targeted individual sanctions against the ones that are giving the orders to kill and to shut down young people in the streets. Internet access.

Mr. VARGAS. If I could interrupt.

But I have to say, ma'am, I'm old enough to remember the collapse of the Soviet Union and that was also a moment like this, when everyone said, oh, here it comes. Here's the—here's where it's going to be the big change. There wasn't. There wasn't, and—

Ms. PAYÁ. So, sir, you're talking about the collapse of the Soviet Union and I'm talking about the Cuban people in the streets.

Mr. VARGAS. But, remember, Cuba—no, I understand. But the reason I say that is that history seems to repeat itself. I remember that time. Now I'm 60 years old. I do not know how old you are, but I'm 60, and so I remember that time very well, that this is an opportunity. Everybody was saying, now it's going to happen. There's going to be changed on the island. You're going to see now a democracy. The Castros are going to fall. They didn't.

Ms. PAYÁ. Again, we—

Mr. VARGAS. And now I look at it again, and I do not—I mean, I do not want to argue with you because I agree—I'd like to see the change. Probably we'd both like to see—I'd like to see a democracy where people can vote freely for whomever they want and not to have the dictatorship that they have today.

I just fear that we're going to do the same thing again and nothing is going to change.

Ms. PAYÁ. Well, you can help us to change that and that's part of why we are—we are doing this. And just to clarify what is fundamentally different from 1900's is that it's not the Soviet Union collapsing. It's the Cuban people protesting in the streets. The product flow here does not rely on any other foreign country. It relied on the Cuban people. We are the protagonist of our—of our history. We are already being that, and what we are asking is solidarity with the solution and the demand that we are—

Mr. VARGAS. And I guess if I could—my time is about over. That's the problem. The solution—I mean, I think that there's a lot of solidarity. There was back when the Soviet Union collapsed, too, and nothing happened. That's my point, that the solidarity was there but it's the policy that does not change. Have you—

Ms. PAYÁ. Then practical things to do rise the—rise the cost of the repression. Impose targeted sanctions over those that are still commanding a repression. Give internet access. We saw the censorship of the—of the Cuban regime.

Apply the Sullivan Principles and take a similar approach to the one that you took with South Africa to end the apartheid.

Involve the international community, the European Union, the OAS, not under the premise of the cynicism of the—of the world with the embargo but on the premise of the Cuban people demanding freedom on the streets. I think that's—that would be a fresh approach.

Mr. VARGAS. Thank you very much.

Ms. PAYÁ. Thank you.

Mr. VARGAS. My time is up.

Mr. SIREN. Thank you, Congressman Vargas. Congresswoman Malliotakis?

Ms. MALLIOTAKIS. Thank you very much and I, again, want to thank both of you for being here today and to discuss a topic that is very personal and important to me. And, certainly, we talked a lot about what the Biden Administration should be doing and I echo what you say, Ms. Payá, when you say we need to involve the international community.

We need to—we need the president to lead as the leader of the free world to push for freedom and democracy in Cuba and, certainly, use whatever abilities we have to engage the international community, the freedom-loving democracies from around the world, to also join that effort to push this regime out.

What I want to ask, though, is what can the United Nations, because I've been very disappointed with their lack of interest in actually assisting in this situation right now, what do you believe the United Nations should be doing at this time to help this cause?

Ms. PAYÁ. Thank you so much for that question, and I have to say that I have been shut down by the Cuban—by the dictatorship—the Ambassador of the Cuban dictatorship in the Human Rights Councils in the United Nations. The fact that they have a seat there is very, very telling to what the United Nations have been doing for the Cuban people.

Anyways, there are special rapporteurs that have to make his work—their work, and they have been doing it and those kind of technical approach as the one that reported on the forced labors of the Cuban doctors should be taken into consideration.

My suggestion, of course, I was—I'm hoping that the High Representative Michelle Bachelet asks for a visit to the island and actually confirm with her own eyes what is taking place in Cuba.

I do not have a lot of hope for the Cuban regime accepting that, but that should be the kind of—the kind of bold involvement that we are hoping for an organization that should be protecting the right to democracy and the human rights in Cuba.

Ms. MALLIOTAKIS. You mentioned the Human Rights Council, and I'm glad you brought it up because one of the reasons why President Trump withdrew the United States from the Human Rights Council is because it's a farce. It's an absolute sham, particularly when you look at the members who sit on that Council.

It's not just Cuba who, you know, allows no freedom of speech, no freedom of press, no freedom to demonstrate, as we're seeing people being beat in the streets by communist regime forces. They're being abducted and jailed and shot at. They're treated as slaves for what equates to 15 U.S. dollars a month. They have a dual currency system.

When something is—they're being paid in Cuban pesos and yet they're being asked to purchase things in something that is equivalent of U.S. dollars. You know, it's a 25 to 1 ratio.

How do you expect them to do that, and they're slaves to the government and they do not have the right to come and go from the island as they please.

So the fact that Cuba is on the Human Rights Council along with China, Venezuela, Russia, the most egregious human rights violators.

Mr. Vivanco, as somebody who is involved with the Human Rights Watch, I would love for you to comment on that.

Mr. VIVANCO. It is a shame. It is a shame. There is no other, you know, reaction. That is the—probably the most honest comment that I can give you how dictatorships are members of the Human Rights Council.

But let me explain to you one little detail which is—I think is relevant. They get elected because every region, every geographical region of the world, has some chance to present, for instance, one or two candidates for one or two vacancies.

Last time, when Venezuela was, you know, competing for a position, unfortunately, Latin America were given two posts and Latin America as a—as a region presented two candidates for two posts.

So there was—I mean, and one of the candidates was Venezuela, the other one was Brazil. And Brazil, under the current government of President Bolsonaro, very close ally to President—former President Trump, you know, decided to avoid any further candidate from stepping in because they were afraid that if there were three candidates for two posts at the Human Rights Council Brazil will be eliminated.

So what we did was to convince Costa Rica in the last minute to run to try to defeat Venezuela and Costa Rica did it. But, you know, it was late already, you know, and unfortunately, finally, Brazil was selected and Venezuela was selected.

Ms. MALLIOTAKIS. Any advice you have for the Biden Administration at this moment when they're looking to reenter Human Rights Council how we can use that as leverage to try to change the make-up of this council?

Mr. VIVANCO. I think that if you look at the votes, the positions of the Human Rights Council, not the membership—the membership, I agree with you. I mean, at least, I do not know, 40 percent of them are dictatorships, who get selected at the Human Rights Council to protect themselves, you know, to try to interfere in the business of the top entity that is supposed to supervise human rights all over the world.

But there is still a slim majority that is committed to fundamental freedoms and rights. So I welcome the decision of the current administration, the Biden Administration, to rejoin the Human Rights Council because there are very important battles and debates that are happening precisely there.

Ms. MALLIOTAKIS. Thank you.

Mr. SIRES. Thank you. Well, we have come to the end. I want to thank you for your patience. I want to thank you for coming and testifying before our committee.

And we'll just have some closing remarks, then we'll close the hearing.

Thank you again for joining us today. I have been inspired by the scenes of courage we are witnessing in Cuba. Young people, in particular, have been stepping up and making clear that they refuse to become a lost generation.

Their creativity, bravery, and advocacy ought to remind that the status quo in Cuba is a tremendous waste of talent and potential.

I urge the Biden Administration and my colleagues in Congress to rise to the occasion and seize the best opportunity to help the Cuban people. Nothing is more important to me than seeing the Cuban people finally become free.

With that, I turn it over to my colleague, Congressman Green.

Mr. GREEN. Thank you, Mr. Chairman, for allowing some closing comments, and I want to thank the witnesses for being here. I want to thank you for your intensity. I think on both—everybody here is excited about the opportunity that we see at this moment in time.

We're frustrated and angry with the human rights abuses that have gone on for so many years, and I agree that with the embargo not working, I just—I think it's time to double down.

I think it's time, and my criticisms aren't of the Biden Administration, per se, as much about, you know, earlier when I was talking about socialism and communism and I was referring to sort of fringe members.

I think we all know the senator I'm talking about who supports socialism and my own colleagues here in the House who support socialism, and some who've advocated for universal rent control, which is right out of Karl Marx.

That's not—I'm not saying that's the Biden Administration. I'm saying when I—my criticism there is just let's act. It's time, and there's a chance—there's an opportunity to bring freedom to another group of people and that's why I'm so passionate.

But I believe very deeply that there's a lot of—I was listening to, you know, Congresswoman Wasserman Schultz, who I do not agree with very often.

But as she was talking about this, I'm, like, yes, that's right. Those physicians are enslaved, and if they're doing that they'll probably sell vaccine we give them anyway, right.

So, I mean, let's do what we can to continue to agree where we can, and, Chairman Sires, I just want to thank you for your friendship and your unbelievable leadership on this issue over the decades.

You are a champion for the people of Cuba because you are one of them, and you have done an amazing job leading through the challenges of a divided government here in Washington, DC.

Thanks for your time. Appreciate you all.

Mr. SIRES. Thank you, Congressman Green, for those remarks. Thank you for your comments.

And with that, this hearing is adjourned.

[Whereupon, at 12:24 p.m., the committee was adjourned.]

APPENDIX

**SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128**

**Subcommittee on the Western Hemisphere, Civilian Security,
Migration and International Economic Policy**

Albio Sires (D-NJ), Chair

July 13, 2021

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Subcommittee on the Western Hemisphere, Civilian Security, Migration and International Economic Policy, to be held in Room 2172 of the Rayburn House Office Building. Members who wish to participate remotely may do so via Cisco WebEx. The hearing will be available via live webcast on the Committee website at <https://foreignaffairs.house.gov/>:

DATE: Tuesday, July 20, 2021
TIME: 10:00 a.m., EDT
SUBJECT: Historic Protests in Cuba and the Crackdown on Free Expression
WITNESSES: Mr. José Miguel Vivanco
Executive Director
Americas Division
Human Rights Watch

Ms. Rosa María Payá Acevedo
Director
Cuba Decide

*NOTE: Witnesses may be added.

By Direction of the Chair

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

To fill out this form online, either use the tab key to travel through each field or mouse click each line or within blue box. Type in information.

COMMITTEE ON FOREIGN AFFAIRS

Note: Red boxes with red type will NOT print.

MINUTES OF SUBCOMMITTEE ON Western Hemisphere, Civilian Security, Migration and International Economic Policy HEARING

Day Tuesday Date July 20, 2021 Room 2172 RHOB

Starting Time 10:03 am Ending Time 12:24 pm

Recesses 0 (to) (to)

Presiding Member(s)
Chair Albio Sires

Check all of the following that apply:

Open Session Electronically Recorded (taped)
Executive (closed) Session Stenographic Record
Televised

To select a box, mouse click it, or tab to it and use the enter key to select. Another click on the same box will deselect it.

TITLE OF HEARING:
Historic Protests in Cuba and the Crackdown on Free Expression

SUBCOMMITTEE MEMBERS PRESENT:
See attached.

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.)
*Rep. Scott Perry, Rep. Nicole Malliotakis, *Rep. Debbie Wasserman Schultz, *Rep. Val Demings*

HEARING WITNESSES: Same as meeting notice attached? Yes No
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)
SFR, Castro on behalf of Amnesty International
SFR, Salazar
IFR, Sires on behalf of Rosa Maria Paya
QFR, Sires

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED 12:24 pm

Subcommittee Staff Associate

Clear Form

Note: If listing additional witnesses not included on hearing notice, be sure to include title, agency, etc.

WHEN COMPLETED: Please print for subcommittee staff director's signature and make at least one copy of the signed form. A signed copy is to be included with the hearing/markup transcript when ready for printing along with a copy of the final meeting notice (both will go into the appendix). The signed original, with a copy of the final meeting notice attached, goes to full committee. An electronic copy of this PDF file may be saved to your hearing folder, if desired.

AMNESTY INTERNATIONALS SUBMITTED BY CASTRO



Submitted for the record by Rep. Joaquin Castro on behalf of Amnesty International
July 27th, 2021

The Honorable Albio Sires, Chair
Subcommittee on the Western Hemisphere, Civilian Security, Migration and International
Economic Policy
House Committee on Foreign Relations
2170 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Mark Green, Ranking Member
Subcommittee on the Western Hemisphere, Civilian Security, Migration and International
Economic Policy
House Committee on Foreign Relations
2170 Rayburn House Office Building
Washington, D.C. 20515

July 23, 2021

**Re: Amnesty International USA Statement for the Record on “The Historic Protests in Cuba
and the Crackdown on Free Expression”**

On behalf of Amnesty International USA and our members and supporters in the United States, we are grateful to the Subcommittee on the Western Hemisphere, Civilian Security, Migration and International Economic Policy for holding its July 20 hearing on the Historic Protests in Cuba and the Crackdown on Free Expression. The following is an overview of some of the organization’s key concerns and recommendations.

On July 11, 2021 thousands of people took to the streets in Cuba to peacefully protest over the economy, shortages of medicines, the response to COVID-19, and harsh restrictions on freedom of expression and assembly. Amnesty International has been closely monitoring the situation despite the fact that Cuban authorities do not allow independent human rights organizations to visit the country, and independent human rights lawyers are prevented from working in the country.

Since 2019, the Cuban population has been facing shortages of food, medicine, and fuel.¹ The COVID-19 pandemic has exacerbated these issues, and in recent months there has been consistent public criticism of food shortages and endless lines formed by people trying to buy basic products that have been in short supply.² Lately there have also been reports of power cuts or "blackouts" affecting the supply of drinking water and the preparation of food, in some cases for up to seven hours at a time, as reported in the press and on social networks.³

The July 11 protest was the first time in years that Cubans have taken to the streets by the thousands to demonstrate peacefully in several parts of the country, exercising their rights to freedom of expression and peaceful assembly.

Amid the July 11 protests, Amnesty International has received concerning reports of internet outages that significantly limit access to and dissemination of information as well as arbitrary arrests and excessive use of force by police. While information is rapidly changing, human rights lawyers at Cubalex, a non-governmental organization, have produced a working list of hundreds of people – mostly activists and journalists – who have been detained by the authorities or whose location is unknown following the July 11 protests.⁴ Meanwhile, the non-governmental organization Prisoners Defenders sent a list of 187 individuals to the United Nations Human Rights Commission.⁵ Further, there have been confirmed outages to social media and messaging platforms in Cuba from Monday, July 12, 2021. This includes disruptions to communications programs like WhatsApp, Facebook, Instagram, as well as streaming platforms such as YouTube and Google Video.⁶ There have also been disruptions to telegram servers on ETECSA (Empresa de Telecomunicaciones de Cuba, S.A.) and the cellular network, Cubacel, operated by Cuba's sole telecommunications company.⁷

On July 14, representatives from the Prosecutor General's Office and the Ministry of Interior said on state television that they were investigating individual responsibility

¹ Amnesty International, "Cuba 2020" <https://www.amnesty.org/en/countries/americas/cuba/report-cuba/> (Last Accessed 7/22/2021).

² Carmen Sesin and Orlando Matos, "In Cuba, families fear shortages will worsen as Coronavirus affects the economy," NBC News, <https://www.nbcnews.com/news/latino/cuba-families-fear-shortages-will-worsen-coronavirus-affects-economy-n1230816> (Last Accessed 7/22/2021).

³ Mario J. Pentón, "Los Cubanos ventilan la frustración por los apagones en las redes sociales. El gobierno responde," El Nuevo Herald, <https://www.elnuevoherald.com/noticias/mundo/america-latina/cuba-es/article251421653.html> (Last Accessed 7/22/2021).

⁴ Public Document of Detained and Disappeared People in Cuba: <https://docs.google.com/spreadsheets/d/1-38omFpJdDiKTSBoUOg19tv2nJxtNRS3-2HFVUUwtSw/edit#gid=627497176> (Last Accessed 7/22/2021).

⁵ Prisoners Defenders, <https://twitter.com/CubanDefenders/status/1415339712450121735> (Last Accessed 7/15/2021).

⁶ Netblocks, "Social Media Restricted in Cuba Amid Widening Anti-Government Protests" <https://netblocks.org/reports/social-media-restricted-in-cuba-amid-widening-anti-government-protests-QAdrmwyl> (Last Accessed 7/15/2021).

⁷ *Id.*

for the organization of the protests and the “crimes” committed during the protests.⁸ A Colonel representing the Interior Ministry said the majority of those detained were not “revolutionary” (meaning not pro-government in Cuba) and many had previous convictions for a range of crimes, including crimes that Amnesty International has previously stated are inconsistent with international standards, such as “public disorder.” The Colonel vowed, “we will find the organizers, the instigators,” and said that those chanting “Patria y Vida” (a song some associate with sparking the protests) would be considered instigators.

On July 15, Amnesty International spoke to an independent journalist and an activist in Cuba who had both experienced physical surveillance by uniformed police officers outside their homes and are unable to leave. Héctor Luis Valdez Cocho, a member of the San Isidro Movement, told Amnesty International he was detained in Sunday’s protests and released on Monday. Since then, he says, police have been surveilling his home 24-hours a day and have told him not to leave. As Amnesty International has previously documented, this amounts to house arrest, and is a violation of international human rights law.⁹

Since July 16, Amnesty International has also spoken to multiple relatives of individuals detained in the context of the July 11 protests. They told the organization that the authorities had not informed them of the whereabouts of their relatives. In one case, the family had not been informed of the relative’s whereabouts for 96 hours. In another case, a family member indicated they had not been able to locate their relative for six days. In none of the cases had relatives received a phone call from their detained family members.

Representatives of the Prosecutor General’s Office and the Ministry of Interior denied that families were not being informed about their detained relatives during a July 20 appearance on Canal Caribe, a state-controlled station.¹⁰ However, no representatives of families or other alternative voices were present during the program. Granma, Cuba’s state newspaper, also tweeted that there were no missing persons, and classified Sunday’s protests as “riots.”¹¹

The rights of detained individuals to communicate with the outside world and to receive visits are fundamental safeguards against human rights violations, including torture or other ill-treatment and enforced disappearance. Furthermore, Cuba is a party to the International Convention for the Protection of All Persons from Enforced Disappearance. According to the

⁸ Video from Hacemos Cuba, <https://www.facebook.com/HacemosCuba/videos/979694139516773/> (Last Accessed 7/22/2021).

⁹ Amnesty International, “Cuba: San Isidro Movement and Allies Under Frightening Levels of Surveillance” <https://www.amnesty.org/en/latest/news/2020/12/cuba-san-isidro-movement-allies-under-frightening-levels-surveillance/> (Last Accessed 7/15/2021).

¹⁰ Video from Hacemos Cuba, <https://www.facebook.com/HacemosCuba/videos/917771592169337/> (Last Accessed 7/22/2021).

¹¹ Tweet from Granma: https://twitter.com/Granma_English/status/1417906226759880704?s=20 (Last Accessed 7/22/2021).

Convention, a refusal to acknowledge the deprivation of liberty or to disclose the fate or whereabouts of a person following their detention can amount to an enforced disappearance, a crime under international law.

The Inter-American Commission on Human Rights (IACHR) has also received reports of police and government supporters attacking an Associated Press photojournalist and his camera operator, arrests of at least ten journalists, and police raids that allegedly prevented other reporters from leaving their homes.¹² On July 15, the IACHR condemned the state repression of the protests and said it “considers that official statements branding demonstrators as enemies are inadmissible and reckless. These statements stigmatize protest, foster an atmosphere that tolerates violence, may encourage clashes between citizens, and are incompatible with international standards to protect the right to protest.”¹³

Amnesty International condemns the Cuban government’s shameful and unacceptable response to protests. Repressing people with state force simply for peacefully exercising their rights to freedom of expression and assembly is unfortunately an extension of the climate of fear around dissenting voices for decades. Most recently, in December 2020, Amnesty International reported on the frightening levels of surveillance and harassment of the San Isidro Movement, a group of artists, academics, and other thinkers who previously protested the harsh restrictions on freedom of expression.¹⁴ Amnesty International also previously reported in November 2017 on the tactics that Cuban authorities have used for decades to imprison and silence alternative voices in the country using criminal law and arbitrary dismissal from state employment.

Luis Manuel Otero Alcántara, one of the leaders of the San Isidro Movement, is currently one of the individuals reportedly detained stemming from the July 11 protests, and reportedly has been charged and transferred to Guanajay prison, according to reports. Amnesty International has named Luis Manuel Otero Alcántara a prisoner of conscience three separate times since March 2020.¹⁵

The July 11 protests in Cuba were truly historic, and Amnesty International has called upon Cuban authorities to protect the Cuban people’s right to demonstrate peacefully. On July 22, Amnesty issued an urgent action condemning the detention of protestors and calling upon

¹² The Inter-American Commission on Human Rights, “The IACHR and Its Special Rapporteurs Condemn State Repression and The Use of Force During Peaceful Social Protests in Cuba, and Call for Dialogue on Citizen Demands,” https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2021/177.asp (Last Accessed 7/22/2021).

¹³ *Id.*

¹⁴ Amnesty International, “Cuba: San Isidro Movement and Allies Under Frightening Levels of Surveillance” <https://www.amnesty.org/en/latest/news/2020/12/cuba-san-isidro-movement-allies-under-frightening-levels-surveillance/> (Last Accessed 7/15/2021).

¹⁵ Amnesty International, “Cuba: Amnesty International names Luis Manuel Otero Alcántara of the San Isidro Movement a prisoner of conscience” <https://www.amnesty.org/en/latest/news/2021/05/cuba-presos-conciencia-luis-manuel-otero-alcantara-movimiento-san-isidro/> (Last Accessed 7/15/2021).

President Díaz-Canel to immediately and unconditionally release all peaceful protesters.¹⁶ Amnesty International is continuing to monitor the situation and is grateful for the Subcommittee's attention to the issue. We also call on the U.S. government to act on the following recommendations:

1. The United States must urge Cuban authorities to stop repressing peaceful demonstrators and, instead, guarantee the rights to freedom of expression and peaceful assembly and engage in a genuine dialogue with independent civil society to find effective measures to guarantee human rights.
2. In particular, the U.S. government must lift the embargo imposed since 1994. Cuban authorities have attributed food and supply shortages to the embargo imposed by the United States. The embargo does hinder or limit the possibility of assistance, as Amnesty International has said for decades¹⁷, and as United Nations experts and others have highlighted in the past and in particular, in the context of the COVID-19 pandemic.¹⁸ The United States must lift the embargo, since it has a disproportionate impact on the economic, social and cultural rights of the Cuban population.
3. Since reports of the protests emerged, there has been a concerning return to Cold War-era rhetoric regarding United States and Cuba relations from U.S. officials. United States officials must refrain from repeating this narrative, and instead embrace a nuanced approach that supports the human rights of the Cuban population and the aforementioned recommendations.

For more information, please contact Amy Fischer, Amnesty International USA's Americas Advocacy Director at (202)768-4082 or afischer@aiusa.org.

Sincerely,

Amy Fischer
Americas Advocacy Director
Amnesty International USA

¹⁶ Amnesty International Urgent Action,

<https://www.amnesty.org/download/Documents/AMR2545052021ENGLISH.pdf> (Last Accessed 7/22/2021).

¹⁷ Amnesty International, "Cuba: The US Embargo Against Cuba: Its Impact on Economic and Social Rights" <https://www.amnestyusa.org/reports/cuba-the-us-embargo-against-cuba-its-impact-on-economic-and-social-rights/> (Last Accessed 7/15/2021).

¹⁸ United Nations Human Rights Commission, "US must lift its Cuba embargo to save lives amid COVID-19 crisis, say UN Experts" <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25848&LangID=E> (Last Accessed 7/22/2021).

ROSA MARIA PAYA

Rep. Salazar – Translated Remarks

"ROSA MARIA PAYA

"THANK YOU SO MUCH FOR BEING HERE.

"YOUR FAMILY PAID THE HIGHEST SACRIFICE.

"YOUR FATHER OSWALDO STOOD UP FOR FREE EXPRESSION IN CUBA, AND THAT IS SOMETHING THAT THE CASTRO REGIME FEARS.

"9 YEARS AGO, THEY KILLED HIM AND THEY COVERED IT UP – SAYING IT WAS A CAR CRASH – SO THAT THE PEOPLE OF THE WORLD WOULD NEVER KNOW THE TRUTH.

"BUT WE ARE HERE TODAY BECAUSE OF YOUR BRAVERY, AND YOUR COMMITMENT TO THE TRUTH.

"AND NOW YOU ARE LEADING THE FIGHT FROM FREEDOM IN EXILE FROM YOUR HOMELAND.

"AFTER A WEEK OF SILENCE, NOW THE BIDEN ADMINISTRATION IS SAYING THEY ARE GOING TO REVIEW THE EFFECT OF THE REMITTANCES.

"THIS IS A SLAP IN THE FACE TO YOU, YOUR DECEASED FATHER, AND TO ALL CUBAN PEOPLE.

"THE PEOPLE OF CUBA ARE NOT SHOUTING "WE WANT MORE REMITTANCES" THEY ARE SHOUTING "LIBERTAD – WE WANT FREEDOM."

"WHAT COULD THE BIDEN ADMINISTRATION DO?

"LET TALK REAL SOLUTIONS. THE PEOPLE OF CUBA NEED INTERNET BECAUSE IT IS THE ONLY WAY THE WORLD CAN KNOW THE TRUTH.

"THEY WILL ALSO KNOW THEY ARE NOT ALONE. IF WE CAN GET INTERNET TO THE CUBAN PEOPLE, MILLIONS WILL BE IN THE STREETS JOINING THEIR PEOPLE SHOUTING LIBERTAD.

"THEY WILL KNOW THEY ARE UNITED IN THEIR PURSUIT OF FREEDOM, AND THEY WILL KNOW THAT WE THE UNITED STATES, AND THE WORLD, IS WITH THEM.

"THIS IS THE WAY TO HONOR YOUR FATHER, WHO ALSO FOUGHT FOR THE TRUTH.

"Q: COULD THE BIDEN ADMINISTRATION ENHANCE WIFI FROM THE HAVANA EMBASSY?

"Q: AND COULD THIS BE DONE IN A MATTER OF MINUTES?

"Q: THE PRIVATE SECTOR HAS DEVELOPED STRATOSPHERIC BALLOONS THAT CAN CARRY WIFI – COULD THE BIDEN ADMINISTRATION USE THIS TECHNOLOGY?

"Q: WHAT ELSE WOULD YOU DO??

Spanish:

"ROSA MARIA PAYA

"MUCHAS GRACIAS POR ESTAR AQUÍ.

"TU PADRE SACRIFICÓ TODO. TU PADRE LUCHÓ POR LA LIBRE EXPRESIÓN EN CUBA, Y ESO ES ALGO QUE LE DA MIEDO AL REGIMEN CASTRISTA.

"HACE 9 AÑOS, LO MATARON Y FALSIFICARON LAS EVIDENCIAS – DICIENDO QUE FUE UN ACCIDENTE DE CARRO – PARA QUE EL MUNDO NUNCA SUPIERA LA VERDAD.

"PERO ESTAMOS AQUÍ POR TU VALENTÍA, Y TU COMPROMISO CON LA VERDAD.
Y AHORA LIDERAS LA LUCHA POR LA LIBERTAD DE CUBA EXILIADA DE LA PATRIA.

"AHORA LA ADMINISTRACIÓN DE BIDEN DICE QUE VA A REVISAR EL EFECTO DE LAS REMESAS. ESTO ES UN INSULTO PARA TI, TU PADRE, Y TODOS LOS CUBANOS.

"EL PUEBLO DE CUBA NO ESTÁ GRITANDO "QUEREMOS MÁS REMESAS" ESTÁN GRITANDO "QUEREMOS LIBERTAD"

"QUÉ PUEDE HACER LA ADMINISTRACIÓN DE BIDEN?

"HABLEMOS DE SOLUCIONES REALES. EL PUEBLO DE CUBA NECESITA INTERNET PORQUE ES LA ÚNICA MANERA PARA COMUNICAR LA VERDAD CON EL MUNDO.

"Y ASÍ SABRÁN QUE NO ESTÁN SOLOS. SI LES DAMOS INTERNET A LOS CUBANOS, MILLONES MÁS ACUDIRÁN A LAS CALLES A PEDIR LA LIBERTAD.

"SABRÁN QUE ESTÁN UNIDOS EN ESTA LUCHA DE LA LIBERTAD, Y QUE LOS ESTADOS UNIDOS Y EL MUNDO ESTÁN A SU LADO.

"ESTA ES LA MANERA DE HONRAR A TU PADRE, PORQUE EL LUCHABA POR LA VERDAD.

"Q: LA ADMINISTRACIÓN DE BIDEN PUEDEN AMPLIFICAR EL WIFI DE LA EMBAJADA EN LA HABANA?

"Q: Y ESTO SE PUEDE HACER EN UNA CUESTIÓN DE MINUTOS?

"Q: EL SECTOR PRIVADO HA DESARROLLADO TECNOLOGÍA DE GLOBOS AEROSTÁTICOS CAPACES DE PROVEER REDES DE INTERNET – LA ADMINISTRACIÓN DE BIDEN PUEDE USAR ESTA TECNOLOGÍA?

"Q: QUÉ MÁS SE PUEDE HACER PARA AYUDAR A LOS CUBANOS A ACABAR DE UNA VEZ POR TODAS CON LA TIRANÍA CASTRISTA?

July 20, 2021 WHEM Hearing – Additional Materials

Ms. Rosá María Payá Acevedo submitted into the record a video titled “Young Cuban Peaceful Protester Shot by Communist Police on the Island.” The video can be found here: https://youtu.be/OPh_RSC0Cn8

RESPONSES TO QUESTIONS SUBMITTED FOR THE RECORD

Questions for the Record from Chairman Sires
“Historic Protests in Cuba and the Crackdown on Free Expression”
Tuesday, July 20, 2021

Questions for Mr. Jose Miguel Vivanco:

1. San Isidro Movement: In November 2018, a group of artists, academics, and others formed the San Isidro movement to promote artistic expression. The group was formed in reaction to Decree 349, which was one of the first laws signed by President Miguel Diaz-Canel and which prohibited artists from operating in public or private spaces without prior approval by the Ministry of Culture. In November 2020, the group gained widespread international attention when members of the San Isidro Movement staged a protest outside the Ministry of Culture. In December 2020, Amnesty International reported that activists from the San Isidro movement and the independent journalists covering their activities were under “frightening levels of surveillance” and were essentially being held under house arrest.

- How has Decree 349 been used by the Cuban government to crack down on the San Isidro Movement?
- What other types of persecution have members of the San Isidro Movement and the 27N Movement been subjected to by the Cuban government?
- To what extent does this movement represent a change in how dissent is expressed in Cuba?
- What has been unique about the San Isidro movement that has made it such a potent force in challenging the regime?
- How can the U.S. government engage the San Isidro movement and other social movements in its approach to Cuba policy?

Mr. Vivanco did not respond in time for printing.

2. Access to Internet: According to Freedom House’s Freedom on the Net 2020 report, despite increases in access in recent years, Cuba still has one of the lowest internet penetration rates in the Western Hemisphere, as access remains expensive and connections poor. The report also notes that Cuban authorities monitor internet usage and work to direct traffic to the government-controlled intranet. The Cuban state-owned telecommunications company, ETECSA, maintains a monopoly over internet access, which it has used to block access to websites. One study by the Open Observatory of Network Interference found that over 40 websites were permanently blocked.

- What has been the impact of expanded Internet access on Cubans’ access to information and ability to expand civic space?
- In terms of privacy and access to information, what are some of the limitations and risks of connecting to Cuba’s domestic “intranet” and using state-monitored accounts on public Wi-Fi hotspots?
- To what extent has the increase in internet connectivity and social media had an effect on the ability of human right defenders to monitor the human rights situation, provide an outlet for freedom of expression, and to organize demonstrations and other gatherings?
- How has ETECSA used its power to revoke internet access of individual users who violate its stringent terms of access and use?
- What role have Chinese companies played in providing telecommunications infrastructure in Cuba and how have the Chinese and Russian governments assisted the Cuban government in controlling and restricting internet access?

- What are some of the creative methods that Cubans have developed to circumvent ETECSA's internet access restrictions?
- How has Decree 370 "On the Computerization of Cuban Society", which came into force in 2019, been used to further limit online freedom of expression and privacy and are there examples of times it has been used against independent journalists and bloggers?

Mr. Vivanco did not respond in time for printing.

3. Detention of Activists and Political Prisoners: According to the State Department's 2020 Human Rights Report for Cuba, the NGO Cuban Prisoners Defenders estimated there were 134 convicted political prisoners serving sentences as of December 1, 2020, though the government denied holding any political prisoners. In recent months, others like Maykel "Osorbo" Castillo and Hamlet Lavastida have been imprisoned by the regime.

- What is the most recent estimate of political prisoners in Cuba?
- What treatment do activists, human rights defenders, and political prisoners typically receive while in prison?
- Under what pretext are political prisoners typically detained?

Mr. Vivanco did not respond in time for printing.

Questions for Rosa Maria Paya:

1. **San Isidro Movement: In November 2018, a group of artists, academics, and others formed the San Isidro movement to promote artistic expression. The group was formed in reaction to Decree 349, which was one of the first laws signed by President Miguel Díaz-Canel and which prohibited artists from operating in public or private spaces without prior approval by the Ministry of Culture. In November 2020, the group gained widespread international attention when members of the San Isidro Movement staged a protest outside the Ministry of Culture. In December 2020, Amnesty International reported that activists from the San Isidro movement and the independent journalists covering their activities were under "frightening levels of surveillance" and were essentially being held under house arrest.**
 - How has Decree 349 been used by the Cuban government to crack down on the San Isidro Movement?
 - What other types of persecution have members of the San Isidro Movement and the 27N Movement been subjected to by the Cuban government?

Decree 349 from 2018 is a Cuban law that forces local artists to seek permission in advance for their public and private art exhibitions and performances. As such, this decree gives the government all the power and impunity to shut down independent art and book presentations, exhibitions, concerts, performances, etc., if the government considers that their content is problematic, particularly when Cuban national symbols are involved, or when the art expression questions the official narrative of Communism as the only ideology authorized on the Island. Government inspectors are allowed to fine those breaking this law, as well as to confiscate their artworks.

Luis Manuel Otero Alcántara, one of the founding leaders of San Isidro Movement, an artist and activist in outspoken opposition to Decree 349 even before it went into effect on December 2018, has organized and participated in several protests against Decree 349, as well as in art interventions to challenge this despotic decree. As consequence, he has been arrested in his home several times and kept arbitrarily arrested for various amounts of time. Since July 11, 2021, Otero Alcántara has been taken to Guanajay maximum security prison and he is now facing charges of assault, resistance and contempt.

Other members of San Isidro Movement have also been threatened, persecuted, harassed, beaten, detained, forced to exile, or imprisoned for the content of their art. For example, the Cuban rappers Denis Solís González, released on July 12 after serving eight months in prison for contempt, and Maykel Castillo (aka Osorbo), now waiting in prison to be sentenced, facing charges of assault, public disorder, and evasion as detainee.

As early as in 2018, *Amnesty International* called Decree 349 “a dystopian prospect for Cuba’s artists,” and they considered that this decree was going to “have a general chilling effect on artists in Cuba, preventing them from carrying out their legitimate work for fear of reprisals.” *Amnesty International* also recalls that, as signatory to the International Covenant on Civil and Political Rights (ICCPR), Cuba is required to refrain from acts that are contrary to the object and purpose of this treaty, which protects freedom of expression and the right “to seek, receive and impart information and ideas of all kinds, including “in the form of art.”

Artists at Risk Connection, a project of *Pen America*, has published the document *Art Under Pressure. Decree 349 Restricts Creative Freedom in Cuba*. They recommend to “repeal Decree 349, given its broad and unclear categories, lack of respect for due process and transparency, and undue punitive measures.” And they call for “immediately release all artists imprisoned for nonviolent protests against Decree 349 or other forms of censorship and attacks on free expression in Cuba,” as well as to “stop all forms of persecution and intimidation toward artists protesting against the decree or against government control over independent artistic production in Cuba, including, but not limited to, arbitrary short-term detentions, search and seizure of property, interrogations, prohibition to leave the country, and expulsion from cultural institutions.”

- **To what extent does this movement represent a change in how dissent is expressed in Cuba?**
- **What has been unique about the San Isidro movement that has made it such a potent force in challenging the regime?**

The San Isidro Movement (MSI) is formed by Cuban artist and activists who have been or still are members of other independent civil society groups on the Island. It has an ecumenical nature, based on organized as well as spontaneous initiatives.

They are very active as part of the critical consciousness of Cuban society. They do not label themselves as opposition politicians, although they are opposed to the official politics of the communist regime, while favoring inclusion and dialogue among all Cubans. They make an efficient use of social networks online and, as such, they enjoy a worldwide coverage of their activities. MSI has helped to made visible for the rest of the world what was evident for our country: that the Cuban Revolution is nothing but a long-lasting totalitarian tyranny from the Cold War era.

MSI has marked a fresh renewal in the long struggle of resistance against the dictatorship and, at the same time, they are the product of decades of evolution of dissent being expressed in Cuba. One of their powers is that they use artistic speech to express the metaphors of political change in Cuba. MSI members are not afraid of repression, and they have kept their public actions despite having suffered arrests and even prison. MSI members seem convinced that, together with the majority of the Cuban people today, all are called to be the protagonists of a new democratic era for all Cubans, regardless of their religion, ideology, race, gender, age, country of residence, etc.

- **How can the U.S. government engage the San Isidro movement and other social movements in its approach to Cuba policy?**

1. The U.S. government can launch an international effort—a coalition of nations—in support of the Cuban people’s call for freedom. The overall goal is to denounce the illegitimacy of the Cuban regime and to support the Cuba people to regain their sovereignty. It is fundamental to raise awareness and acknowledge that Cubans on the Island and in Exile deserve and are prepared to carry out a peaceful transition from tyranny to democracy.
2. The U.S. government can hold the Cuban regime accountable for its abuses to stop the impunity of the Cuban Dictatorship in Western hemisphere by:
 - a. Applying targeted sanctions to their members. That is, by imposing individual political, financial, and diplomatic sanctions on regime leaders, their family members, and all those involved in serious human rights abuses. Use all available tools to influence those in positions to make the decisions necessary to accept the people’s call for a transition to democracy.
 - b. Using the South African experience, require companies still doing business with the Cuban Regime to mandatorily embrace the Global Sullivan Principles, so companies work together to respect human rights and do not engage in enriching the rulers.
 - c. Inviting the European Union and OAS members to take similar steps to hold the regime accountable. Use all available tools, including EU Global Human Rights Sanctions Regime and the Interamerican Treaty of Reciprocal Assistance, to address the threat pose by the Cuban regime to their own people and to the peace and stability of the Americas. The regime should continue to be excluded from the Summit of the Americas until it complies with the Inter-American Democratic Charter.
3. The U.S. government can provide independent internet access to Cuba, thus bypassing the interference of the regime. Some of the options are:
 - a. Space Data Balloon with LTE payload connecting to user mobile LTE phones.
 - b. Starlink (SpaceX) internet service, (requires a dish) but has excellent bandwidth capacity and very low latency.
 - c. LTE hotspots with integrated SIM card to enable roaming on local and international carriers.
 - d. LTE at cooperating embassies providing LTE/extended WiFi in a radius of their location (using rooftops).

- e. SIM cards to be used with unlocked phones.
 - f. Backpack LTE radios and SMS using presidential frequency to broadcast SMS.
 - g. Shipping barges that circumnavigate the island with auto launcher to send LTE payloads from all around the island.
 - h. Long range 2.4ghz antennas to send out wifi PTP, PMP.
4. The U.S. government can warn the Cuban regime about the serious consequences of provoking a massive exodus from the Island or continuing the repression against peaceful protesters and social activists. All options within the international law should be on the table in order to protect the life of civilians in Cuba and the United States national security. The Cuban government, traditionally only makes concessions under effective pressure by the international community and public opinion.

In addition

5. The U.S. government can be in constant communication with the opposition on and off the Island, and, through the U.S. mission in Havana—in coordination with other democratic countries— visit them in their homes in Cuba. The embassies of the democratic world should be prepared to offer a safe place to some activists in need of protection from the regime’s repression and can invite activists to participate in forums. Diplomats could also attend the public events of MSI, Cuba Decide, and other independent initiatives inside the Island.
6. In any case, the U.S. government should not negotiate with the Cuban regime. It can demand the unconditional release of all political prisoners, the end of repression, and the respect in law and in practice the will of the Cuban people: freedom of expression and association—including peaceful public assembly and the existence of multiple independent political parties—as well as economic liberty and all other conditions to hold democratic elections.

2. Access to Internet: According to Freedom House’s Freedom on the Net 2020 report, despite increases in access in recent years, Cuba still has one of the lowest internet penetration rates in the Western Hemisphere, as access remains expensive and connections poor. The report also notes that Cuban authorities monitor internet usage and work to direct traffic to the government-controlled intranet. The Cuban state-owned telecommunications company, ETECSA, maintains a monopoly over internet access, which it has used to block access to websites. One study by the Open Observatory of Network Interference found that over 40 websites were permanently blocked.

- **What has been the impact of expanded Internet access on Cubans’ access to information and ability to expand civic space?**
- **To what extent has the increase in internet connectivity and social media had an effect on the ability of human right defenders to monitor the human rights situation, provide an outlet for freedom of expression, and to organize demonstrations and other gatherings?**

The impact is huge. The internet is the main source for Cuban citizens to obtain information about their own country, in order to educate themselves without the indoctrination and control of the Communist Party. All the printed press in Cuba, as well as all radio and TV stations, belong to the government and do not give space to any alternative view from the official narrative. On the internet, Cubans express their own voices, including the expression of dissent and resistance against the totalitarian regime.

Since 2019, when some internet access in mobile phones was finally allowed by the Cuban government, a flow of information has poured out from the Island, in many cases directly showing the abuses of the regime, as well as the private and public demonstrations of discontent of the people against the communist rulers.

Internet provides the organizations monitoring repression—as our Fundación para la Democracia Panamericana—the capability to collect and report the information. It is also a tool of communication among activists, for instance, internet facilitates the coordination within the network of thousands of promoters of Cuba Decide. Internet was the vehicle that spread the protests of the past July 11, in a few hours all the cities of the Island took to the streets after the first protest began in San Antonio de los Baños. Three hours after the start of the protests the regime cut off the internet.

The digital civic space in Cuba has also allowed a reconnection between Cubans living inside the Island and in Exile, in order to coordinate citizen initiatives aimed towards the reconciliation and emancipation of all nationals, despite the actions of the communist regime to label Cubans as revolutionary or traitors.

Since July 11th, the regime has lowered the internet bandwidth to block people from doing livestreams in social media and some activists have lost all connectivity in their devices. In the weeks following July 11th, the internet blackouts produced by the regime have negatively affected the capacity of human rights monitors to report their findings and materials to their counterparts abroad. Therefore, the figures published by our Foundation and other organizations regarding arbitrary detentions and missing persons are only a fraction of the reality.

- **In terms of privacy and access to information, what are some of the limitations and risks of connecting to Cuba’s domestic “intranet” and using state-monitored accounts on public Wi-Fi hotspots?**
- **How has ETECSA used its power to revoke internet access of individual users who violate its stringent terms of access and use?**

The Cuban intranet is totally monitored and controlled in real time by the Cuban authorities. The regime has all the resources and tools to immediately identify and eventually penalize intranet users. The Cuban telephone company that provides the service works following orders of the Ministry of Interior. Even in the initial contract, the ETECSA/CUBACEL monopoly warns their clients that text-messaging and web-surfing cannot be used to access counterrevolutionary information, which includes all news outlets published by Cuban exiles.

The telephone company ETECSA can effectively shut down the internet service to a specific individual or group of individuals. They can also shut down the service to whole areas and populations. The shutdown occurs immediately, with or without any alleged violation of their stringent terms of access and use. It is virtually impossible to file any successful complain

against the company, even in those cases in which the user has lost money. The telephone company in Cuba behaves more like a repressive branch of the government. During the protests of July 11, for example, the State launched a massive internet shutdown that lasted for several days.

- **What role have Chinese companies played in providing telecommunications infrastructure in Cuba and how have the Chinese and Russian governments assisted the Cuban government in controlling and restricting internet access?**

This month, *The Diplomat* has published an article about the impact of China's digital authoritarianism in Cuba, quoting a 2016 article by *China Business Network*. For example, the undersea cable linking Cuban telecommunications to Venezuela was partially financed and constructed by Chinese companies. In 2000, the Cuban government had signed a contract with Huawei to set up fiber optic cables throughout the island. The primary technology providers for the only Cuban telephone company are all Chinese: Huawei, TP-Link, and ZTE. A 2017 report by the *Open Observatory of Network Interference* found traces of Chinese code in interfaces for Cuban Wi-Fi portals, and in 2020 the Swedish organization *Qurium* discovered that Cuba uses Huawei network management software eSight to help filter web searches.

<https://thediplomat.com/2021/08/how-china-helps-the-cuban-regime-stay-a-float-and-shut-down-protests>

Along the years, Cuba and Russia have signed a number of memorandum of understanding on increasing cooperation in telecommunications. In 2015, it was signed in Moscow an update of a previous 2008 agreement in communication technologies and cybersecurity.

<https://www.cubastandard.com/russia-and-google-sign-it-deals/>

Foreign Policy has recently reported in this regard that the United States should play a more active role in supporting online liberty in Cuba.

<https://foreignpolicy.com/2021/07/29/cuba-free-internet-protests-censorship/>

In any case, it is certain that the Cuban regime is receiving all the needed support from foreign powers: the traditional competitors of the U.S. and, in general, from the enemies of democracy worldwide. The U.S. government should carry out an intelligence program to determine the role of Russian and Chinese companies in the control and censorship of internet in Cuba. This is a question of national security for the U.S., since the communist regime on the Island is known to interfere in the internal affairs of most countries of Western hemisphere, including spy networks at high levels in the United States of America.

- **What are some of the creative methods that Cubans have developed to circumvent ETECSA's internet access restrictions?**

Thanks to the black market and other informal methods of commerce, many Cuban citizens distribute off-line content downloaded from the internet from computer to computer, using hard-drives and flash-memories.

A large number of Cubans are also using virtual private networks (VPN) to escape internet censorship by the regime. On July 23, 2021, *The Wall Street Journal* reported that, after the

recent protests in Cuba, the software Psiphon had “provided access to more than 2.8 million Cubans” on the Island.

- **How has Decree 370 “On the Computerization of Cuban Society”, which came into force in 2019, been used to further limit online freedom of expression and privacy and are there examples of times it has been used against independent journalists and bloggers?**

A very large number of Cubans have been harassed and threatened for posting real-life events on their social networks, even if they do not consider themselves dissidents, or if they claim that they shared online the information only as a way to criticize and rectify what is wrong in Cuban society. Many of these Cubans are not independent journalists and bloggers, but professionals who worked for the State, including physicians like Alexander Jesús Figueredo Izaguirre and Alexander Raúl Pupo Casas, the dentist Leandro Campos, the tourist specialist Alejandro Perdomo García, the university science professor David Alejandro Martínez Espinosa, the high school student Félix David Rodríguez Estévez, the information technician Luis Mario Nieras Hernández, the baseball player Rubén Rodríguez, among countless others.

In a number of cases, it is unclear if Decree 370 was actually applied or the victim was just punished by an arbitrary measure without any legal base. In other cases, like what happened to free-lance journalist Camila Acosta and to pastor José Yván Rodríguez Yáñez, from the Apostolic Movement, they are threatened with the application of Decree 370, but eventually this was not the case. Still others, like Yoel Acosta Gámez in November 2020, was fined with 2,000 Cuban pesos under Decree 370 for publishing videos on news website *ADN Cuba*.

The list of Cubans that had been fined under Decree 370 until June 2020 included nearly 30 names:

<https://www.radiotelevisionmarti.com/a/los-sancionados-en-cuba-por-el-decreto-370/266209.html>

3. Detention of Activists and Political Prisoners: According to the State Department’s 2020 Human Rights Report for Cuba, the NGO Cuban Prisoners Defenders estimated there were 134 convicted political prisoners serving sentences as of December 1, 2020, though the government denied holding any political prisoners. In recent months, others like Maykel “Osorbo” Castillo and Hamlet Lavastida have been imprisoned by the regime.

- **What is the most recent estimate of political prisoners in Cuba?**
- **What treatment do activists, human rights defenders, and political prisoners typically receive while in prison?**
- **Under what pretext are political prisoners typically detained?**

According to *Cuban Prisoners Defenders*, on July 1st, 2021, there were “152 politically convicted and condemned” cases on the Island:

<https://drive.google.com/file/d/1tPiVvpLKwjSwgYHKVH45hutJYeFjC3II/view>

Since July 11, 2021, more than 800 citizens have been arbitrarily arrested many of them are still missing. So far, 531 remain detained facing criminal charges and/or missing as it is the case of Jose Daniel Ferrer, UNPACU leader and promoter of Cuba Decide, who has remained missing since his arrest and without proof of life. The actual number of arrests is estimated to be much higher than the information compiled thanks to the efforts of many on the Island and in Exile. There is an online document—managed by the Incidents Report Center of the Fundación para la Democracia Panamericana—with the information available in this respect:
[https://docs.google.com/spreadsheets/d/1TrT-sqkSU4a4P0oyLFiwuH-VLtbC3IZjvgTe -jk28w/edit?usp=sharing](https://docs.google.com/spreadsheets/d/1TrT-sqkSU4a4P0oyLFiwuH-VLtbC3IZjvgTe-jk28w/edit?usp=sharing)

When in jail, all activists, human rights defenders, and political prisoners in Cuba have no status as “social activists,” “free-lance or citizen journalists,” “conscientious objectors,” “whistleblowers,” “political prisoners,” etc. They are basically charged with common crimes and treated like common criminals after being sentenced. For example, assault to police agents, resistance to arrest, and contempt towards the authorities. The government refers to them as “delinquents” or, worse, as authors of “acts of vandalism”, although the term “counterrevolutionary” might be added to indicate an aggravating stigma. Recently, they have also been trialed for “spreading epidemic diseases,” thus criminalizing any form of public association and demonstration in Cuba.

Along the years, many common Cubans have served jail sentences for “pre-criminal social dangerousness,” a legal figure which is applied not only to political dissidents but also to people that the authorities want to remove from the streets, despite not having committed any crime. In January 2020, *Civil Rights Defenders* estimated that around 4,000 Cubans every year are accused of being antisocial or dangerous, including those unemployed and those who try to obtain benefits from tourists.

Once sentenced, political prisoners are usually mixed with dangerous criminals in prison, since they do not enjoy the status of political prisoners. They receive the worst treatment possible by authorities. In certain cases, their sentences have been extended while in jail, by accusing them of wrongful behaviour as prison inmates.

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